TAQLID KI SHARA'EE HAISIYAT

The Legal Status of Following A Madhab

COMPLETE WITH ARABIC TEXT

By:
Mufti Muhammad Taqi Usmani

DARUL-ISHAAT
KARACHI-PAKISTAN

www.muftitaqiusmani.com

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URDU BAZAR KARACHI
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بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ

اَلْحَمْدُ لِلّٰهِ وَكَفٰى وَسَلَامٌ عَلٰى عِبَادِهِ الَّذِيْنَ اصْطَفٰى

FOREWORD

There is no dearth of books on the subject of *taqleed* and *ijtihad*, and I had no idea that I would be writing anything on it. However, certain reasons compelled me to write down this treatise.

When, in 1963, the editor of Faran, Mahir ul-Qadri, suggested that I should contribute on article on *taqleed*, I was disinclined to engage in debate on the question, as, indeed, my respected father, Mawlana Mufti Muhammad Shafi, always kept himself away from it. However, I acceded to his request in the hope that I might explain the issue and invite the warring parties to think coolly and cease to argue.

Praise belongs to Allah, the article was well received when it was published in May 1963, in the Faran, and several other magazines of India and Pakistan and some Muslims of Junagadh reprinted it published it in the form of a booklet.

Nevertheless, though I had avoided a debate on the issue, the people, who disavow *taqleed* and reject that the imams of ijtihad should be followed responded with heavy criticism. Mawlana Muhammad Isma'il Salfi رحمة الله عليه was one of them. His criticism was published in *al-I'tisam* in its thirteen issues and then annexed to his book *Tahreek Azadi-e-Fikr aur Shah Waliullah ki Tajdeedi Masa'i*.

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Another response came from a man who accuses the imams of *ijtihad* as inventors of *Shari'ah* and their followers as infidels and polytheists and the Islamic fiqh as self-tailored. It was entitled *at-Tahqeeq fi Jawab at-Taqleed.*

A Third response was published in a monthly magazine of Hyderabad Daccon.

On my part, I refrained from engaging in the debate, as always had been my wont. The articles had been read by many discerned people and had been published in India, so, many friends desired that I should publish it in book form. Therefore, thirteen years later, I revised it in the light of the criticism and comments that had been made on it.

The original work has been enlarged and the criticism answered as part of text without referring to personalities as far as possible. Let me reiterate that this work is in no way an argument or debate. It is purely an academic approach aimed at explaining the stand of a vast majority of the *ummah* who follow the *mujtahid imams*. I have observed moderation and tried to give the view point of a large section of the *ulama of ahl sunnat.*

Therefore, I request my readers to follow the same scholarly path and avoid an argumentative approach. And, I hope I have been able to set at rest doubts and misgivings on the issue created by exaggerated propaganda by the careless.

May Allah accept my effort and make it beneficial for the Muslims.

وَمَا تَوْفِيْقِيْٓ اِلَّا بِاللّٰهِ عَلَيْهِ تَوَكَّلْتُ وَاِلَيْهِ اُنِيْبُ

And only Allah has enabled me. In Him I place my trust and to Him is my return.

Muhammad Taqi Usmani

Friday night,
4th Jumadi uth Thani 1396.

Dar ul-Uloom
Karachi

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بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ
اَلْحَمْدُ لِلّٰهِ وَكَفٰى وَسَلَامٌ عَلٰى عِبَادِهِ الَّذِيْنَ اصْطَفٰى

THE REALITY OF *TAQLEED*

That the real call of Islam is to obey Allah alone, no Muslim will deny. So much so that it is *wajib* to obey the Prophet ﷺ only because he demonstrated the injunctions of Allah with his words and deeds. We have to obey Allah and His Messenger ﷺ in the things they told us are lawful and forbidden. If anyone obeys someone else instead and regards him as worthy of obedience then he is outside the folds of Islam, hence, it is imperitive for every Muslim to observe the commands in the Qur'an and *sunnah*.

However, there are commands in them which every literate person can understand without a semblance of doubt. For instance, the Qur'an says:

لَا يَغْتَبْ بَّعْضُكُمْ بَعْضًا (الحجرات ١٢:٤٩)

And backbite not one another (49:12)

Every person who knows a little Arabic will get the message, particularly because there is no ambiguity or a contrary evidence in Shari'ah. Or, take this saying of the Prophet ﷺ:

لَا فَضْلَ لِعَرَبِيٍّ عَلٰى عَجَمِيٍّ

No Arab enjoys an excellence over a non-Arab.

These words are crystal clear. No student of Arabic will fail to understand them.

In contrast, there are some commands in the *Qur'an*

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and the *Ahadith* that present some difficulty, or seem to differ from another portion of the *Qur'an* or *Ahadith*. Let us explain by examples of each.

1. The Qur'an says:

وَالْمُطَلَّقٰتُ يَتَرَبَّصْنَ بِاَنْفُسِهِنَّ ثَلٰثَةَ قُرُوْءٍ

And the divorced women shall wait, keeping themselves apart, for three *quru'*. (2:228)

This verse specifies the waiting period of a divorced woman as three *quru'* which is used in Arabic for both menstruation and purity (between two menstruations). In the first sense, the verse would call upon the woman to wait for three monthly periods, while the second meaning would require her to wait till three periods of purity pass over. So, how should she act?

2. The Prophet ﷺ has said:

من لم يترک المخابرة فليؤذن بحرب من الله ورسوله (ابو داؤد)

He who does not abondon *mukhabarah* should take notice from Allah and His Messenger of war.

(Abu Dawood # 3399 Kitab al-Bayi')

There are many kinds of *mukhabarah* (which is sharing of crop between cultivator and landlord), but the Hadith does not specify which kind. Does it mean every kind of *mukhabarah* or some kind?

3. The Prophet ﷺ said:

مَنْ كَانَ لَهُ اِمَامٌ فَقِرَاءَةُ الْإِمَامِ لَهُ قِرَاءَةٌ

If anyone follows an imam then the imam's recitation is his recitation. (Muwatta Imam Muhammad)

The former implies that one who follows the *imam* in *salah* should observe silence when the *imam* recites but the latter is emphatic that if he does not recite *surah al-Fatihah* then his *salah* is invalid.

The question arieses which of the two *Ahadith* should

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be observed. If the first is followed, the second would seen to address the *imam* and one who offers his *salah* by himself (out of the congregation), and the follower behind the *imam* is expected. If we go by the second then it would imply that the first refers to recitation of the *surah* other than *surah al-Fatihah* and *surah al-Fatihah* is expected.

Many such difficulties present themselves in deriving the commands from the *Qur'an* and *Ahadith*. The way out is either to rely on our own judgement and interpret them or find out what our worthy predecessors had done. So, we must conduct ourselves according to the conclucions of the scholars of *Qur'an* and *Hadith* of the first generation.

If we are really fair then we should realise that the first option is fraught with danger while the second is safe. I am not being humble when I say that in every respect, we are behind the *ulama* of the early generation, be it knowledge or understanding, widsom or memory, religion or honesty, and righteousness or piety. Besides, they were very close to the atmosphere in which the *Qur'an* was revealed and that made it very easy for them to understand the *Qur'an* and *sunnah*. In contrast, we are so far away from that atmosphere that it is very difficult for us to picture the background, environment, social living and style on conversation then prevailing, for it is very necessary to know all these things in order to understand someone's intention.

Accordingly, if we reject our own understanding and choose to follow the interpretaion of the complex commands of *Qur'an* and *sunnah* of one of the scholars among our worthy predecessors it will be said that we have made his *taqleed*.

This is the reality of *taqleed*. If I have been able to convey my mind then it should be obvious to you that

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taqleed of an *imam* or a *mujtahid* is made only when there is a difficulty in understanding a command of the *Qur'an* or *sunnah* whatever the nature of our difficulty:

(1) the text may be open to more than one meaning,

(2) it is very brief,

(3) there are contradictory evidences,

No *taqleed* of an *imam* or *mujtahid* is done when the text is clear and comprehensive and not liable to contradiction or doubt. The well-known *Hanafi* scholar, Allamah Abdul Ghani Nablusi رحمة الله عليه has written:

فالامر المتفق عليه المعلوم من الدين بالضرورة لايحتاج الى التقليد فيه لاحد الاربعة كفر ضية الصّلوٰة والصّوم والزكوٰة والحج ونحوها وحرمة الزنا واللواطة وشرب الخمر والقتل والسرقه والغصب وما اشبه ذلک والامر المختلف فيه هوالذى يحتاج الى التقليد فيه

Thus, the affairs on which there is an agreement and are known as essentials of religion, do not call for *taqleed* of any one of the four *imams*, like the obligation of *salah*, *fasting*, *zakah*, *hajj*, and others of similar nature, and the prohibition of illegal sex, wine, slaying, theft and usurption and so on. However, affairs that are debatable call for *taqleed*.[1]

Allama Khateeb Baghdadi رحمة الله عليه has written:

واما الاحكام الشرعية فضربان: احدهما يعلم ضرورة من دين الرسول صلى الله عليه وسلم كالصلوات الخمس والزكوٰة وصوم شهر رمضان والحج وتحريم الزنا وشرب الخمر وما اشبه ذلک، فهذا لايجوز التقليد فيه لان الناس كلهم يشتركون فى ادراكه والعلم به، فلامعنى للتقليد فيه، وضرب اٰخر لايعلم الّا

1 *Kulasatat Tahqeeq fi Hukm ut-Taqleed wat-Talfeeq* p 4. Istambul.

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بالنظر والاستدلال كفروع العبادات والمعاملات والفروج
والمناكحات وغير ذلك من الاحكام فهذا يسوغ فيه التقليد
بدليل قول الله تعالىٰ فَاسْئَلُوْا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ،
ولأنالو منعنا التقليد في هذه المسائل التى هى من فروع الدين
لاحتاج كل احد ان يتعلم ذلك وفى ايجاب ذلك قطع عن
المعايش وهلاك الحرث والماشية فوجب ان يسقط

There are two kinds of legal commands:

(i) Those that are known to be essential part of religion, like the five times *salah*, *zakah*, fasting during *Ramadhan*, *Hajj*, unlawful nature of adultery consumption of wine, and such other things. Since everyone has knowledge of these things, so *taqleed* is not proper in this kind.

(ii) Those that cannot be known without concentration and deduction, like the branch issues of worship, mutual dealings and marriage. In this kind, *talqeed* is proper because Allah has said:

فَاسْئَلُوْا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ

So, ask the people (having knowledge) of the Message, if you do not know.[1] (16:43)

Besides, if we disallow *taqleed* in these branch issues of religion then it would require everyone to pursue the sciences of religoin. If that is made necessary for the people then all the necessities of life will be ruined. Fields and cattle will be ignored. So, such a command cannot be given.[2]

Mawlana Ashraf Ali Thanwi رحمة الله عليه has written;"Issues are of three kinds:

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❶ *Maariful Qur'an*, English Translation

❷ *Al-Taqih Wal-Mutafaqah*, Khateeb Baghdadi v2 pp67-68, *Riyadh*. 1389 Ait.

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❶ Those in which the text is debatable.
❷ Those that allow for different interpretations,
❸ Those whose meaning is clear and understandable.

Thus in the first kind, the *mujtahid* has to make *ijtihad*, while others will have to make *taqleed* of him. The second kind, too, calls for *ijtihad* and *taqleed*. The third kind allows neither *ijtihad* nor *taqleed*."[1]

The conclusion drawn from the foregoing discussion is that taqleed of an *imam* or mujtahid does not in any way imply that he is being followed on the understanding that it is *wajib* (obligatory) to follow him, or on the understanding that he is the law-giver and everything he says must be obeyed. Rather, one follows nothing but the *Qur'an* and *sunnah*, and to understand them the exegesis of the imam or *mujtahid* is relied upon. This is exactly why in the absolute commands of the *Qur'an* and *sunnah*, *taqleed* of an *imam* or a *mujtahid* is unnecessary, the purpose of obeying Allah and His Messenger ﷺ is served easily without *taqleed*.

The fact that one whose taqleed is made is not regarded more than an exponent whom it is not wajib to follow is implied in the sense of the word taqleed. Hence, Allamah Ibn al-Humam رحمة الله عليه and Allamah Ibn Nujaym رحمة الله عليه have defined *taqleed*:

التقليد العمل بقول من ليس قوله احدى الحجج بلا حجة منها

> Taqleed is to act according to the word of one whose word is not source of Shari'ah (a proof in Islamic law), without demanding evidence from him.[2]

The source of Islamic law are only the *Qur'an* and *sunnah* (and through them by concensus and

❶ *Al-Iqtisad fit-Taqleed wal-Ijtihad*, p 34, Delhi. It has answers to the eleventh doubt.

❷ *Taysirat-Tahreer, Ameer Badshah Bukhari*, v4 p246, Egypt. *Fath al-Ghaffar Sharah al-Manar*, Ibn Nujaym v2 p37

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analogical deduction). One follows the word of the *imam* on the understanding that he has complete insight in the sciences of the *Qur'an* and *sunnah* and, so, the conclusion he had derived from them is worth relying upon.

There is nothing in this conduct that can be called sinful or polytheistic. Of course, if anyone believes an *imam* to be the source of law and one whom it is *wajib* to follow then his conduct is polytheistic. To regard someone as an exponent of law and to rely on his understanding and insight, rather than on one's own, is unavoidable in these times of dearth of knowledge.

We may see it in the example of the laws in a country proclaimed and compiled in book form. Howsoever well educated the masses might be, they have to seek legal advice to interpret the laws. In such cases, no one will suggest that the legal expert is bestowed authority to legislate and the seekers regard him as the authority in the land instead of the laws of the land.

It is exactly the same with the *Qur'an* and *sunnah*. To resort to the *mujtahid imams* to explain them is *taqleed*. The *muqallid* (one who makes taqleed) cannot be accused of following the *mujtahid* instead of the *Qur'an* and *sunnah*.

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Two Kinds of *Taqleed*

There are two kinds of *taqleed*:

(1) No particular *imam* is specified. Different *imams* may be followed in different issues. This is known as Absolute *Taqleed*, or General *Taqleed*.

(2) Only one scholar *mujtahid* is chosen for *taqleed* and every complex question is referred to him. This is personal following or *taqleed Shakhsi*.

There is no more to any of these kinds of *taqleed* than that a person who is incapable of directly absorbing the

commands of *Qur'an* and *sunnah* resorts to a *mujtahid* who he knows is adept in these sciences and relies on his insight and understanding. He then acts on the explanation of this *mujtahid*. The *Qur'an* and *sunnah* assert that this is permissible — nay, obligatory.

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THE QUR'AN AND *TAQLEED*

The guiding principles of taqleed are mentioned in the *Qur'an.*

The First Verse

يَـٰٓأَيُّهَا الَّذِينَ آمَنُوٓا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنكُمْ
(نساء: ٥٩)

O you who believe, obey Allah and obey the Messenger and those in authority among you. (4:59)

The *ulul amr* (those in authority) are said by some to be the Muslim rulers and governors and by others to be the jurists. The second explanation is by Sayyidina Jabir ibn Abdullah ﷺ, Abdullah ibn Abbas ﷺ,[1] Mujahid رحمة الله عليه, Ata ibn Abu Rabah رحمة الله عليه, Ata ibn as-Sa'ib رحمة الله عليه, Hasan Busri رحمة الله عليه, Abu al-Aaliyah رحمة الله عليه and many others. *Imam* Razi رحمة الله عليه has preferred this explanation citing many arguments. He said:

It is preferrable to apply the meaning *ulama* to *ulul amr* in this verse.[2]

Imam Abu Bakr Jassas رحمة الله عليه found no contradiction in both the *Ahadith*. Rather both meanings are valid. The rulers need to be obeyed in political matters while the *ulama* must be obeyed in issues pertaining to

❶ This *tafseer* of Abdullah ibn Abbas is reported by Mu'amiyah ibn Salih from Ali ibn Abu Talhah. (Ibn Jarir v5 p88). This is the strongest line of transmission of his report (Al-Itqan # 80)

❷ *Tafseer Kabeer* v3 p334.

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Shari'ah.[1] Allamah Ibn al-Qayyim said that obedience to the rulers leads finally to obedience to the scholars of religion because فطاعة الامراء تبع لطاعة العلماء the rulers obey the *ulama* in matters of *Shari'ah.*[2]

Anyway, the verse asks the Muslims to obey Allah and His Messenger ﷺ and the *ulama* and jurists who explain the words of Allah and His Messenger ﷺ and this (last) obedience is *taqleed.*

The next portion of this verse is:

فَإِنْ تَنَازَعْتُمْ فِيْ شَيْءٍ فَرُدُّوْهُ إِلَى اللهِ وَالرَّسُوْلِ إِنْ كُنْتُمْ تُؤْمِنُوْنَ بِاللهِ وَالْيَوْمِ الْاٰخِرِ.

Then if you quarrel on anything, refer it to Allah and the Messenger, if you believe in Allah and the last day. (11:59)

According to the above explanation, it is a continuous sentence in which the *mujtahideen* are addressed. Abu Bakr Jassas رحمة الله عليه wrote in support of ulama as 'those in aurhority'.

وقوله تعالىٰ عقيب ذلك فَإِنْ تَنَازَعْتُمْ فِيْ شَيْءٍ فَرُدُّوْهُ إِلَى اللهِ وَالرَّسُوْلِ، يدلّ علىٰ أن أولى الامر هم الفقهاء لأنه أمر سائر الناس بطاعتهم ثم قال فَإِنْ تَنَازَعْتُمْ الخ فأمر أولى الأمر بردّالمتنازع فيه الىٰ كتاب الله وسنة نبيّه صلى الله عليه وسلم، اذ كانت العامة ومن ليس من اهل العلم ليست هذه منزلتهم، لانهم لا يعرفون كيفية الرد الىٰ كتاب الله والسنة ووجوه دلائلهما على أحكام الحوادث فثبت انه خطاب للعلماء.

That Allah's words, if you quarrel ..... follow immediately His statement about *ulul amr* (those in

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❶ *Ahkam ul Qur'an*; Jassas v2 p256
❷ *I'lam ul-Muqi'een*, Ibn Qayyim v1 p7

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authority) is evidence that *ulul amr* are the jurists, because Allah has commanded all men to obey them. Then, after saying, if you quarrel ......, He commanded the *ulul amr* that they should refer back to Allah's Book and His Messenger's *sunnah* that in which they differ. This command could be directed only to the jurists because the masses and the unknowledgeable cannot be of that standard and they do not know how they have to refer back any matter to Allah's Book and the *sunnah*. And they do not know how to derive evidence for new issues. So, it is the *ulama* who are addressed here.[1]

The famous scholar of *Ahl Hadith*, Allamah Nawwab Siddiq Hasan Khan رحمة الله عليه, has also confirmed in his exegesis that the words of the Qur'an in this verse فان تنازعتم ...... الخ are addressed to the *Mujtahadeen*.

والظاهر أنه خطاب مستقلّ مستأنف موجّه المجتهدين.

And obviously this is an address by itself and it is directed to the Mujtahids.[2]

So, it is not correct to conclude that those who are not competent to make *ijtihad* may refer to the Qur'an and *Hadith* directly in connection with disputed issues and derive their conclusions. Rather, the first sentence of the verse addresses those people who cannot derive commands directly from the Qur'an and *sunnah*. It is their duty to obey Allah and His Messenger ﷺ by asking for rulings and explanations from the *ulul amr* and conducting themselves on it. The second sentence addresses the mujtahideen. They are directed to turn to Allah's Book and the Messenger's ﷺ *sunnah* and deduce commands. So, in the first sentence the *muqallid* is commanded to make *taqleed* and in the second the

❶ *Ahkam ul Qur'an* v2 p257

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mujtahid to make *ijtihad*.

The Second Verse

وَاِذَا جَآءَهُمْ اَمْرٌ مِّنَ الْاَمْنِ اَوِالْخَوْفِ اَذَاعُوْا بِهٖ ط وَلَوْ رَدُّوْهُ اِلَى الرَّسُوْلِ وَاِلٰى اُولِى الْاَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِيْنَ يَسْتَنْبِطُوْنَهٗ مِنْهُمْ

(نساء:٨٣)

And when there comes to them any tiding, whether of peace or of fear (or war), they spread it abroad. If they had only reffered it to the Messenger ﷺ and to those in authority among them, then those among them who can search the truth about it, would have known (how to dispose of) the matter. (4:83)

The hypocrites in Madinah spread rumours concerning war and peace. Some simple Muslims fell into their trap and passed on to others whatever they heard. This created an atmosphere of uncertainty. The verse instructs Muslims not to do so but inform the *ulul amr* of whatever they learn. The qualified among them would investigage and let them know the truth.

Though this verse was revealed about a particular situation, yet the principles of exegesis and principles of jurisprudence rely on to the general words of the verse draw commands and rulings. Accordingly, this verse guides us to contact the people specialised in investigation and act according to their deduction. This is *taqleed*. Imam Razi رحمة الله عليه has written about this verse.

فثبت انّ الاستنباط حجة، والقياس امّا استنباط اوداخل فيه، فوجب ان يكون حجّة اذا ثبت هٰذا فنقول: الأية دالّة على امور أحدها أن فى احكام الحوادث مالا يعرف بالنّص بل بالاستنباط وثانيها انّ الاستنباط حجّة، وثالثها انّ العامىّ يجب عليه تقليد

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العلماء فى احكام الحوادث'

So to draw conclusions is evidence, and *qiyas* (analogical deduction) is the same thing or part of it, and is proof, too. Given that, this verse is evidence of some matters. (1) Some of the new issues that grow are not understood by the text, but one has to draw conclusion to find out their meaning. (2) *Istinbat* (to draw conclusion, to arrive at the truth) is proof. (3) It is obligatory .for the masses to make taqleed of the scholars concerning issues and commands that they face."[1]

Some people have demurred that this verse was revealed concerning war and so is specific about such situations and cannot be applied to times of peace.[2] However, we have stated already that reliance is placed on the text not on the background of specific situation. Imam Razi رحمة الله عليه has answered this objection.

ان قوله وَاِذَا جَآءَ هُمْ اَمْرٌ مِّنَ الْاَمْنِ اَوِالْخَوْفِ عام فى كل ما يتعلق بالحروب وفيما يتعلق بسائرالوقائع الشرعية. لأن الامن والخوف حاصل فى كل ما يتعلق بباب التكليف، فثبت أنه ليس فى الأية مايوجب تخصيصها بأمر الحروب

Allah's saying *And when comes to them any tiding, whether of peace or of fear*..... is very general. It encompasses war situations and all legal questions too. War and peace are such that no chapter of *Shari'ah* excludes them. There is no word in the verse that might make it specific to war.[3]

Imam Abu Bakr Jassas Razi has given the same answer in much detail and rejected incidental

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❶ *Tafseer Kabeer*, v3 p272
❷ *Tahreek Azadi-e-Fikr*, Mawlana Muhammad Isma'il, p31.
❸ *Tafseer Kabeer*, v3 p273

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doubts.[1] This is why the well-known scholar of *Ahl-Hadith* has written while citing this verse in support of *qiyas*:

فی الأية اشارة الی جواز القياس، وان من العلم ...... مايدرک بالاستنباط

If we do not get from the verse guidance for the times of peace than how do we cite it for validity of *qiyas*.[2]

The Third Verse

فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ طَآئِفَةٌ لِّيَتَفَقَّهُوْا فِى الدِّيْنِ وَلِيُنْذِرُوْا قَوْمَهُمْ اِذَا رَجَعُوْآ اِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُوْنَ ○ (التوبة:١٢٢)

Why, then, should not of every section of them, a party go forth, that they may become learned in (the knowledge of) religion, and that they may warn their people when they return to them, that they may be aware. (9:122)

This verse confirms that all members of Muslims must not occupy themselves in works like *Jihad* and so on. Rather there should be a party of them who occupy themselves day and night to acquire perfect understanding of faith. They may thus teach the commands of Shari'ah to those who cannot find time to acquire knowledge.

This verse binds the section devoting itself to learning to acquaint other people to the laws of *Shari'ah*. And, it binds these other people to conduct themselves on the teachings imparted to them by the learned section and thus keep themselves away from disobedience to Allah. This is *taqleed*. Imam Jassas رحمة الله عليه has said:

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1. *Ahkam Qur'an*, Jassas v2 p263. Chapter: 'Obedience to the Messenger ﷺ'
2. Tafseer Fath-ul Bayan, Nawab Siddiq Hasan Khan, v2 p33.

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فأوجب الحذر بانذارهم والزم المنذرين قبول قولهم

In this verse, Allah has made it obligatory for the masses that when the ulama acqaint them (with commands of *Shari'ah*) then they must preserve themselves (from disobedience to Allah) and obey the *ulama*.[1]

The Fourth Verse

فَاسْئَلُوْا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ ○ (النحل:٤٣ و الانبياء:٧)

So, ask the people (having the knowledge) of the Message, if you do not know. (16:43) (21:7)

This verse outlines the principle of guidance that those people who are not experts in knowledge and sciences may ask the specialists in this field and act accordingly. This is known as *taqleed*. Allamah Aalusi رحمة الله عليه wrote:

وَاستَدل بها ايضا علىٰ وجوب المراجعة للعلماء فيما لا يعلم وفى الاكليل للجلال ...... السيوطى انّه استدل بها علىٰ جواز تقليد العامىّ فى الفروع

This verse is cited to prove that it is *wajib* to refer to the *ulama* for such things in which one lacks knowledge. Allamah Jalaluddin Suyuti رحمة الله عليه wrote in *Ikleel* that it is deduced from this verse that *taqleed* is allowed to the common men for branch issues.[2]

Some people argue that this verse is specific to a particular situation. The idolators of Makkah used to ask why an angel was not sent to them as a Messenger. In answer, this particular verse was revealed and all its words are:

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❶ *Ahkam ul Qur'an*, Jassas, v2 p262

❷ *Ruhul Ma'ani* v14 p148

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وَمَآ اَرْسَلْنَا مِنْ قَبْلِكَ اِلَّا رِجَالًا نُّوْحِىْٓ اِلَيْهِمْ فَسْـَٔلُوْٓا اَهْلَ الذِّكْرِ
اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ ۝

And We sent not (Messengers) before you (O Prophet) but men to whom We sent revelation — ask the people (having the knowledge) of the Message, if you do not know. (16:43)

Some exegetes say that the words *ahl uz-Zikr* (people-having the knowledge — of the message) are the scholars of the People of the Book, but some others hold that they are those of them who became Muslims in the Prophet's ﷺ times. Yet others contend that they are the people of the Qur'an, Muslims. The verse implies that everyone knows that all the past Prophets عليهم السلام were mortal and none of them was an angel. So — those who disavow *taqleed* argue — that the context of the verse does not embrace the subject of *taqleed* and *ijtihad*.

Our answer is that from the point of view of the text the verse is evidence of *taqleed*. We may take whatever meanig of *ahl uz-Zir* (people havig knowledge of the message), but we are instructed to turn to them because of our personal lack of knowledge. This can be correct only when we concede that 'every unaware should refer to the aware.' It is to this principle that the verse guides us and it is on this basis that we know that *taqleed* is valid. We have made it clear earlier that:

العبرة بعموم اللفظ لالخصوص المورد

(Reliance is placed on the general words of the verse, not on the specific condition for which it is relvealed.)

Therefore, we deduce from the verse the principle that those people who lack knowledge must refer to the knowledgeable. This is *taqleed*. Khateeb Baghdadi رحمة الله عليه wrote:

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اما من يسوغ له التقليد فهو العاميّ الذى لايعرف طرق الاحكام الشرعية، فيجوز له ان يقلد عالما ويعمل بقوله، قال الله تعالىٰ "فَاسْئَلُوْآ اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُوْنَ".

As for the question who may make *taqleed*, it is the masses who do not know the methods of *Shari'ah* commands. It is allowed to them to make *taqleed* of a scholar and conduct themselves on this directions because Allah says ...... (Ask the people of the message).[1]

He has then reported on his chain of transmission that Amr ibn Qays رحمة الله عليه said that *ahl uz-Zikr* the foregoing verse means people of knowledge (scholars).

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❶ *Al-Faqeeh wal Mutafaqqih*, Khateeb Baghdadi, v2 p68. Dar-ul-Ifta, Riyadh.

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THE HADITH & *TAQLEED*

Like the Qur'an, many Ahadith also confirm the validity of taqleed. We reproduce some of them:

(١) عن حذيفة رضى الله عنه قال قال رسول الله صلى الله عليه وسلم انى لا أدرى ما بقائى فيكم، فاقتدوا باللذين من بعدى أبى بكر وعمر (رواه الترمذى وابن ماجه واحمد)

(1) Sayyidina Huzayfah ﷺ reported that Allah's Messenger ﷺ said, "I do not know how long I will survive among you. So, after me, follow two of them — Abu Bakr and Umar.[1]

The Hadith uses the word iqtida (follow). It is not used to follow anyone in administrative affairs, but to follow someone in religious matters. Ibn Manzoor wrote: اَلْقُدْوَةُ والقِدْوَةُ مَاتَسَنَّنْتَ بِهِ (Qudwah is the person whose *sunnah* one pursues). He wrote further: القدوة الأسوة (qudwah means uswah)[2]. The Qur'an also uses this word to mean: following the Prophets عليهم السلام and the righteous in religious matters.

أُولَٰئِكَ الَّذِينَ هَدَى اللهُ فَبِهُدَاهُمُ اقْتَدِهْ (انعام: ٩٠)

Those are they whom Allah guided, so follow their guidance. (6:90)

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1. Tirmizi, Ibn Majah, Ahmad. *Mirqat ul-Mafateeh* v5 p549 — virtues of Abu Bakr رضى الله عنه and Umar رضى الله عنه
2. Lisan ul-Arab v20 p31, root قدا *qada*.

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We also read in the account of the Prophet's ﷺ death.

يقتدى أبوبكر بصلوٰة رسول الله صلى الله عليه وسلم والناس مقتدون بصلوٰة أبى بكرؓ

Sayyidina Abu Bakr ؓ followed the Prophet's ﷺ *salah* and the people followed Abu Bakr's ؓ *salah*.[1]

Sayyidina Abu Wa'il ؓ reported:

جلست الى شيبة بن عثمان رضى الله عنه، فقال جلس عمر بن الخطاب رضى الله عنه فى مجلسک هذا، فقال لقد هممت أن لا أدع فى الكعبة صفراء ولابيضاء الا قسمتهما بين الناس، قال قلت: ليس ذلک لک، قد سبقک صاحباک لم يفعلا ذلک، فقال هما المرأن يقتدىٰ بهما.

I sat near Shaybah ibn Uthman ؓ and he said, '(One day) Sayyidina Umar ؓ was sitting at the same place as you are now sitting and he said that he intended to distribute among the people all the gold and silver found in the Ka'bah. I told him that he had no authority to do so because both your predecessors (the Prophet ﷺ and Sayyidina Abu Bakr ؓ) did not do so. He said that indeed both of them are such as must be followed.[2]

It is reported by Sayyidina Anas ؓ that the Prophet ﷺ said in a gathering, "Shortly a person entitled to admittance to Paradise will come to you." Indeed, an *Ansar Sahabi* came in. The same thing happened on the second and third days. So, Sayyidina Abdullah ibn Amr ؓ went to him and stayed overnight with him, imagining that he would find him occupied in worship exceptionally. But, after some devotional exercises, he slept all night

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❶ Saheeh Bukhari (a man following the *imam*)

❷ Musnad Ahmad v3, p410. Musnad Shaybah ibn Uthman رضى الله عنه.

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until *Fajr*. So, Abdullah ibn Amr ﷺ said to him:

فأردت أن أوى اليک لأنظر ما عملک؟ فأقتدى به فلم أرك تعمل كثير عمل

I had come to you to watch your deeds and follow you.[1]

In all these Ahadith, the word اقتداء (*iqtida*) is used for following anyone in religious matters, particularly in the first two Ahadith. This is called *taqleed*.

(2) Sayyidina Abdullah ibn Amr ﷺ reported that the Prophet ﷺ said:

انّ الله لا يقبض العلم انتزاعًا ينتزعه من العباد، ولٰكن يقبض العلم بقبض العلماء، حتّٰى اذا لم يبق عالماً اتخذ الناس رء وسا جهّالا، فسئلوا فأفتوا بغير علم فضلّوا وأضلّوا.

Surely, Allah will not take away knowledge by removing it from (hearts of) men, but He will take away the *ulama* (to Him) till when there are none of them left, then people will make the ignorant their chiefs. They will be asked and they will issue *fatawa* (edicts, rulings) without knowledge. Being misguided themselves, they will misguide others, too.[2]

This Hadith clearly says that to give *fatawa* is the work of the *ulama*. This in turn means that people must ask them for religious rulings and they must issue commands on which people must conduct themselves. This is the aim of *taqleed*.

Another thing worth considering in this Hadith is that the Prophet ﷺ foretold of a time when the scholars would

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❶ In answer, the Ansar Sahabi said, "I do not perform any significant deeds. However, I harbour no grudge against any Muslim, nor am I jealous of anyone." (Ahmad transmitted it, v3 p166, on a sound line of transmission.)

❷ Bukhari, Muslim, Mishkat. (*Kitab ul-Ilm*)

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disappear. The ignorant will issue *fatwa*. The question arises, what other option people have of observing *Shar'iah* in those times than in following the expired *ulama* because neither is anyone qualified to seek direct guidance from Qur'an and *sunnah* nor is there a surviving scholar to refer to. Hence, the only option available to them is to follow the departed scholars through their writings and so on.

Therefore, the Hadith is evidence that as long as the *mujtahid ulama* are available, they must be consulted and their rulings must be observed. When there is no scholar left, instead of regarding the unworthy as *mujtahid* and acting on their *fatawa*, *taqleed* must be made of previous *ulama*.

> (3) Sayyidina Abu Hurayrah ﷺ reported that Allah's Messenger ﷺ said:
>
> مَنْ اَفْتٰى بِغَيْرِ عِلْمٍ كَانَ اِثْمُهٗ عَلٰى مَنْ اَفْتَاهُ (رواه ابوداؤد)
>
> If anyone gives a ruling without knowledge then the sin for it will be on him who gives the ruling.[1]

This Hadith is an explicit evidence in support of *taqleed*. If *taqleed* was not proper and conducting oneself on a fatwa without examining evidence was not proper then why was there sin on one who issues *fatwa*? Rather, just as the *mufti* was a sinner for issuing an edict without knowledge, so too the person acting on it without investigating its soundness should be called a sinner. Thus, the Hadith made it clear that if anyone is not a scholar then his responsibility is only to the extent that he enquires from one whom he thinks is a scholar of the Qur'an and *sunnah*. If the scholar gives a wrong answer then no sin will fall on the person asking the question, but on him who answers.

[1] Abu Dawood, Mishkat ul-Masabeeh (*Kitab ul-Ilm*)

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(4) Sayyidina Ibrahim ibn Abdur Rahman al-Uzri رحمة الله عليه has reported that Allah's Messenger ﷺ said:

يحمل هذا العلم من كل خلف عدوله ينفون عنه تحريف الغالين وانتحال المبطلين وتأويل الجاهلين، (رواه البيهقى فى المدخل)

The trustworthy people of every generation will be the bearers of the religious knwoledge. They will remove the manipulations of those who exaggerate in it, false claims of the liars and the interpretations of the ignorant.[1]

This Hadith scorns on the interpretation of the ignorant and says that it is the duty of the *ulama* to refute them. Thus، those who do not posses the insight of the *mujtahid* must not rely on their understanding to interpret the commands of the Qur'an and *sunnah*. Rather, they should get in touch with the scholars. This is *taqleed.* Besides, though only those who have some understanding will try to interpret the Qur'an and *sunnah*, yet the Hadith calls them ignorant and condemns his interpretation. Thus, a little knowledge of Arabic is not enough to extract commands and rulings from the Qur'an and *sunnah*. Rather, it requires the insight of the *mujtahid.*

(5) Sayyidina Abu Sa'eed al-Khudri ﷺ has reported that some *Sahabah* began to come late for *salah*. So, the Prophet ﷺ encouraged them to come early and join the front rows in prayer. He also said:

ايتمّوا بى وليأتمّ بكم من بعدكم

Observe me and follow me and those after you will observe you and follow you.[2]

Of course, it does mean that worshippers in the front

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❶ Mishkat al-Masabeeh (Kitab ul-ilm). Bayhaqi (in al-Mudkhal)
❷ Saheeh Bukhari (a man following the imam and others following him). Saheeh Muslim.

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rows will watch him and follow him while those in rows behind will watch and follow them. The other meaning apart from that could be that they should come early to be able to obseve the Prophet's ﷺ method of *salah* carefully, so that those who succeed them will make their *taqleed* and follow them. Ibn Hajar رحمة الله عليه explains this Hadith:

وقيل معناه تعلموا منى أحكام الشريعة، وليتعلم منكم التابعون بعدكم وكذلك أتباعهم الى ...... انقراض الدنيا

Some people have said that this Hadith means you, learn the commands of *Shari'ah* from me and the *tabi'een* following you will learn from you and this would go on one after another till the world ends.[1]

(6) Sayyidina Sahl ibn Mu'az ﷺ reported on the authority of his father:

ان امرأة اتته فقالت يا رسول الله انطلق زوجى غازياً وكنت اقتدى بصلاته اذا صلىّ وبفعله كله فاخبرنى بعمل يبلغنى عمله حتى يرجع الخ

A woman came to the Prophet ﷺ and submitted: O Messenger of Allah! My husband has gone away participating in *jihad*. When he offered *salah*, I followed him, and I followed all his deeds. Now, you teach me a deed that may make me equal to his deed (which is *jihad*) till he returns...... (to the end).[2]

The woman disclosed that she followed her husband not merely in salah, but in all deeds. However, the Prophet did not disallow her in any way (to do so).

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❶ Fath al-Bari v2 p171

❷ Musnad Ahmad v3 p439, musnad Mu'az ibn Anas, and al-Haythmi (in Majma' az-Zawa'id). Zuban ibn Fa'id is a narrator whom some have questioned. Other narrators are trustworthy.

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(7) Sayyidina Abdullah ibn Amr ﷺ reported that the Prophet ﷺ said, "If anyone has two characteristics than Allah will record him as grateful and perseverant." The two characteristics are:

من نظر فی دینه الٰی من هو فوقه فاقتدیٰ به ونظر فی دنیاه الٰی من هو دونه فحمد الله،

He watches someone higher in rank than him in matters of religion and follows him, and watches a person lower than him in worldly matters, and thanks Allah that He has kept him better off than him.[1]

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❶ Tirmizi, Sharah of: Ibn al-Arabi v9 p317

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ERA OF THE *SAHABAH* & ABSOLUTE *TAQLEED*

In the times of the *Sahabah*, *taqleed* was observed much. Those of them who could not give much time to acquire knowledge, or could not decide a particulr issue on their own *ijtihad*, consulted other jurist *Sahabah* and conducted themselves on that. We find that they observed both Absolute *Taqleed* and *Taqleed Shakhsi*, the examples of the former could fill a whole volume. Here are some examples of *taqleed mutlaq* (Absolute *Taqleed*).

(١) عن ابن عباسﷺ قال خطب عمر بن الخطّابﷺ النّاس بالجابية وقال يا أيها الناس من اراد ان يسأل عن القرآن فليأت أبى بن كعبﷺ، ومن أراد أن يسأل عن الفرائض فليأت زيد بن ثابتﷺ، ومن أراد أن يسأل عن الفقة فليأت معاذ بن جبلﷺ ومن أراد أن يسأل عن المال فليأتني فإن الله جعلني له والياً وقاسماً،
(رواه الطبراني في الاوسط)

(1) Sayyidina Ibn Abbas ﷺ said that Sayyidina Umar ﷺ delivered a sermon at Jabiyah, saying, "O People! If anyone wishes to ask anything about the Qur'an, he must go to Ubayy ibn Ka'b ﷺ. He who wishes to know about injunctions on inheritance, must go to Zayd ibn Thabit ﷺ. And one who intends to learn about fiqh must go to Mu'az ibn Jabal ﷺ. And if anyone wishes to know about wealth and property he must come to me because Allah has made me its

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guardian and distributor. [1]

Sayyidina Umar ؓ named the subjects and the scholars whom people should approach for knowledge. Those who were qualified might even learn the arguments while the others might simply rely on their words and act on them. This is *taqleed*. Thus, the *Sahabah* conducted themselves on the rulings given and, if they were not qualified, did not ask for evidences and reasoning.

(٢) عن سالم بن عبد الله عن عبد الله بن عمرؓ انه سئل عن الرجل يكون له الدين على الرجل الٰى أجل فيضع عنه صاحب الحق ويعجله الاٰخر، فكره ذلك عبد الله بن عمرؓ ونهيٰ عنه

(2) Sayyidina Saalim رحمة الله عليه said that someone asked Sayyidina Abdullah Ibn Umar ؓ that a man borrowed some amount of money from another for a specified period. The creditor was willing to waive a portion of the debt if the debtor repaid before the due date. Sayyidina Ibn Umar ؓ did not like it and he disallowed it.[2]

There is no clear Hadith on this question traceable to the Prophet. So, this is the *ijtihad* of Sayyidina Ibn Umar ؓ and his own analogical conclusion. Neither the person enquiring asked for reasoning nor did Sayyidina Ibn Umar ؓ disclose it. This is *taqleed*.

(٣) عن عبد الرحمٰن قال سألت محمد بن سيرين عن دخول الحمّام، فقال: كان عمر بن الخطابؓ يكرهه

❶ ذكره الهيثمی وقال: "وفيه سليمان بن داؤد بن الحصين لم ارمن ذكره" (مجمع الزوائد ج ١ص ١٣٥ باب اخذ كل علم من اهله) قلت: ذكره ابن ابی حاتمؒ فی الجرح والتعديل (ج ٢ قسم ١ ص ١١١) والخطيبؒ فی تاريخ بغداد (ج ١ص ٦٢) فلم يصفه احدهما بجرح ولا بتعديل، وهوابن لداؤد بن الحصينؒ تقی

❷ Muwatta Imam Maalik رحمة الله عليه p279

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(3) Abdur Rahman said that he asked Muhammad ibn Sireen رحمة الله عليه whether it was allowed to enter the public bath (for having a bath). He said that Sayyidina Umar ﷺ regarded it to be makruh (disliked).[1]

The great tabi'ee of the calibre of Muhammad ibn Sireen thought it enough to say that Sayyidina Umar called it makruh, but did not offer any reasoning. In fact, there are a marfoo' Ahadith on this subject, one of them narrated by Sayyidina Umar ﷺ himself.[2]

(٤) عن سليمان بن يسار أن أبا أيوب الأنصارى ﷺ خرج حاجا حتّى اذا كان بالنازية من طريق مكة أضل رواحله وانه قدم علٰى عمر بن الخطاب ﷺ يوم النحر فذكر ذلک له فقال عمر بن الخطاب ﷺ اصنع ما يصنع المعتمر، ثم قد علت، فاذا أدرککـ الحج قابلاً فاحجج واَهْدِ مَا استيسر من الهدى

(4) Sulayman ibn Yasar رحمة الله عليه said that Sayyidina Abu Ayyub Ansari ﷺ began his journey for Hajj. When on the route to Makkah, he reached Naziyah, he lost his riding beasts.On the Day of Sacrifice (10th Zul-hajjah, when Hajj was over) he came to Sayyidina Umar ﷺ. He related to him his predicament. Sayyidina Umar ﷺ instructed him to perform those duties that a pilgrim performing *Umarah* performs. In this way, he would come out of the *ihram* and next year he should return in the months of Hajj and perform Hajj and offer the sacrifice that he would afford.[3]

Neither was reasoning requested nor offered. He acted on the ruling of Sayyidina Umar ﷺ. This is *taqleed.*

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❶ Al-Matalib al-Aaliyah. Ibn Hajar. v1 p51 # 187.
❷ Fath al-Bari v2 p150 # 494.
❸ Muwata Imam Maalik p149

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(٥) عن مصعب بن سعد قال كان ابى اذا صلّٰى فى المسجد تجوز وأتم الركوع والسجود والصلوٰة واذا صلّٰى فى البيت أطال الركوع والسجود والصلوٰة ، قلت يا أبتاه اذا صلّيت فى المسجد جوّزت واذا صلّيت فى البيت أطلت؟ قال يا بنىّ انّا ائمة يقتدى بنا، (رواه الطبرانى فى الكبير ورجاله رجال الصحيح)

(5) Mus'ab ibn Sa'd said, "When my father (Sa'id ibn Abu Waqqas ﷺ) offered salah in the mosque, he performed the bowing and prostration carefully, but he was nevertheless brief about them. But, at home, he prolonged them (and other postures of salah). I asked him respectfully why he did that. He said that he was the imam of the people who followed him. (They would think that they too should prolong their salah if they saw him do that: That would soon become necessary.)[1]

This discloses that the masses did not merely follow the sayings of the *Sahabah* but also emulated their actions, that is they made taqleed. Thus, there was no question of seeking reasoning on making taqleed of deeds. They were very careful people.

(٦) ان عمر بن الخطابؓ رأى علىٰ طلحة بن عبيد اللهؓ ثوبا مصبوغا وهو محرم، فقال عمرؓ: ماهذا الثوب المصبوغ يا طلحة؟ فقال طلحة بن عبيد اللهؓ، يا امير المؤمنين انما هو مدر، فقال عمرؓ: انكم ايها الرّهط أئمة يقتدى بكم الناس، فلو انّ رجلاً جاهلا رآى هذا الثوب لقال ان طلحة بن عبيد الله ؓ قد كان يلبس الثياب المصبغة فى الاحرام فلا تلبسوا ايها الرهط شيئا من هٰذه الثياب المصبغة

(6) Sayyidina Umar ؓ saw Sayyidina Talhah ibn

❶ Majma' az-Zawa'id, Haythmi v1 p182.

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Ubaydullah رضي الله عنه wearing a coloured cloth while in a state of *ihram*. So, he asked him why, and Talhah رضي الله عنه said, "O Ameer ul-Mu'mineen! This is a fabric unscented (which is allowed while assuming the *ihram*)." Sayyidina Umar رضي الله عنه said, "You people are imams and leaders. People follow you. If one who is unaware observes you, he would presume that since you were wearing it in a state of ihram (so it is permissible, and he two would wear scented coloured cloth)."[1]

(7) Also Sayyidina Umar رضي الله عنه saw Sayyidina Abdur Rahman ibn Awf رضي الله عنه wearing socks (of a particular kind), and said:

(٧) عزمت عليک ألانزعتهما، فأني أخاف أن ينظر الناس أليک فيقتدون بک،

"I adjure you that you must remove them because, I fear, the people might see you and follow you."[2]

The foregoing events prove clearly that people made taqleed of the *Sahabah* who were distinguished in knowledge and understanding not only of their sayings and rulings but also of the deeds which meant that they did not seek to know the reasonings. This made it all the more necessary for the *Sahabah* to be careful and they impressed upon others too to be careful.

(8) Sayyidina Umar رضي الله عنه sent Sayyidina Abdullah ibn Mas'ood رضي الله عنه to Kufah and he wrote a letter to the people of Kufah,

انى قد بعثت اليكم بعمار بن ياسر أميرا ، وعبد الله بن مسعود معلماً ووزيراً، وهمامن النجباء من اصحاب رسول الله صلى الله

[1] Musnad Ahmad v1 p196

[2] Al-Isti'ab, Ibn Abdul Barr رحمة الله عليه v2 p315, Asabah, Ibn Hajar v2 p361. A'lam al-Muqi'een, Ibn Qayyim v2 p171.

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عليه وسلم من اهل بدر فاقتدوا بهما واسمعوا من قولهما

"I have sent Ammar ibn Yasar ؓ as ameer and Abdullah ibn Mas'ood ؓ as a teacher and minister. Both of them are the superior *Sahabah* of the Prophet ﷺ. They are also the participants of *Badr*. So, follow them and obey them."

(9) Sayyidina Abdullah ibn Mas'ood ؓ explained the principles of judgement:

فمن عرض له منكم قضاء بعد اليوم فليقض بما فى كتاب الله،
فان جاءه أمر ليس فى كتاب الله فليقض بما قضى به نبيّه صلى
الله عليه وسلم فان جاءه امرا ليس فى كتاب الله ولا قضى به نبيه
صلى الله عليه وسلم فليقض بما قضى به الصالحون، فان جاءه
امر ليس فى كتاب الله ولا قضى به نبيّه صلى الله عليه وسلّم ولا
قضى به الصّالحون فليجتهد رأيه

"Whoever has to pass judgement after today must judge by Allah's Book. If he does not find it in Allah's Book then he must decide according to the judgement of Allah's Messenger ﷺ. But, if he does not find it in Allah's Book or in the judgements of the Prophet ﷺ then he must decide according to the judgements of the righteous. But if he has a case in which he does not find it in Allah's Book, in the Prophet's and the righteous men's judgement then he must make his own *ijtihad*."[1]

He has mentioned four stages. The Qur'an, the Prophet's *sunnah*, judgements of the righteous and *ijtihad*. However, no sane person can deny that even though Allah's Book is to be consulted first, it does not mean that the *sunnah* should be overlooked completely and Allah's Book should be interpreted by one's own opinion. Rather.

[1] Nasai, v2 p305: Kitab ul Adab al-Aqdiyah, Darami v1 p54.

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the *ulama* are agreed that Allah's Book should be interpreted in the light of the *sunnah.* If this is not done then it would be argued that the punishment of an adulteror is a hundred stripes according to the Qur'an, so it is not necessary to turn to the *sunnah* and the command of rajam (stoning to death) being contrary to the Qur'an is void (we seek refuge in Allah from this evil thought.) This line of argument is wrong accordingly to the concensus of the *ummah.*

Exactly in the same way, the judgements of the righteous are not totally ignored when judging by the Qur'an and *sunnah* Rather, the Book and *sunnah* are interpreted in the light of their views. In fact, the essence of *taqleed* is that when a command of the Book and *sunnah* is not clear then to choose one of the several differing meanings, help is sought in the sayings of one of the *mujtahideen*, as we have discussed earlier.

Besides, Sayyidina Abdullah ibn Mas'ood رضي الله عنه gave this command to one who was appointed to the office of judge. This means that it is not only the ignorant and illiterate who have to make *taqleed*, but even the *ulama* must have recourse to the more learned of their predecessors. (It is quite another matter that there is much difference in the *taqleed* of an ignorant and of a scholar, as we shall observe later.)[1]

(10) Saalim ibn Abdullah رحمة الله عليه said:

كان ابن عمر رضي الله عنه لا يقرأ خلف الامام، قال: فسألت القاسم بن
محمّد عن ذلک فقال: ان ترکت فقد ترکه ناسٌ يقتدیٰ بهم وان
قرأت فقد قرأه ناسٌ يقتدیٰ بهم، وکان القاسم ممن لايقرأ

"Sayyidina Ibn Umar رضي الله عنه did not recite behind the

❶ This explanation should answer all the objections of Ibn Qayyim. (*I'lam al-Mauqi'een*).

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> *imam*. So, I asked Qasim ibn Muhammad رحمة الله عليه about it and he said, "If you (too) give it up then people who are worthy of being emulated have given it up. And if you recite it then people worthy of being emulated have recited it." And Qasim was one of those who did not recite it.[1]

Observe! Sayyidina Qasim ibn Muhammad رحمة الله عليه was among the elder *tabi'een* of Madinah one of the seven jurists. His words say clearly that when an issue is debatable, it is proper to follow any *imam* (with sincere intention.)

(11) There is a report ascribed to Tabaqat Ibn Sa'd:

> عن الحسن انه سأله رجل أتشرب من ماء هٰذه السقاية التى فى المسجد فانها صدقة، قال الحسن: قد شرب أبوبكر وعمر من سقاية أم سعد، فمه
>
> Someone asked Sayyidina Hasan ﷺ if he drank water from the Umm Sa'd though it is sadaqah. He said, "Abu Bakr ﷺ and Umar ﷺ drank from the well of Umm Sa'd so what is wrong (if I drink)?[2]

Observe that he did not cite anyone else's conduct but that of Sayyidina Abu Bakr ﷺ and Sayyidina Umar ﷺ. In other words, he followed them (made their *taqleed*).

These are a few random examples though there are innumerable such in books of *aathar*. Allamah Ibn al-Qayyim wrote:

> والذين حفظت عنهم الفتوىٰ من أصحاب رسول الله صلى الله عليه وسلم مائة ونيف وثلاثون نفسا ما بين رجل وامرأة،

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❶ Muwatta Imam Muhammad p96:
طبع اصح المطابع باب القراءة خلف الامام وفيه اسامة بن زيد المدنى وثقه يحيىٰ بن معين وابن عدى وضعفه بعضهم وقال الحافظ فى التقريب صدوق بهم.

❷ Kanz ul-Ummal v3 p318. Kitab uz Zakah.

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"Of the Sahabah, those whose edicts are preserved, number a hundred and thirty. They include men and women."[1]

The Sahabah offered references to the Book and sunnah sometimes and refrained from offering them sometimes simply stating the ruling. There are more examples, than offered by us, in *Muawatta* Imam Maalik رحمة الله عليه, *Kitab al-Aathar* of Imam Abu Hanifa رحمة الله عليه, *Musannaf Abdur Razzaq* رحمة الله عليه, *Musannaf Ibn Abu Shaybah* رحمة الله عليه, *Sharah Mu'ani al-Aathar* by Tahawi رحمة الله عليه, *Mutalib al-Aaliyah* by Hafiz ibn Hajar رحمة الله عليه and so on.

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❶ I'lam al-Muqi'een v1 p9.

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TAQLEED OF INDIVIDUAL IN TIMES OF *SAHABAH* ﷺ AND *TABI'EEN* رحمة الله عليهم

The foregoing were examples in which the *Sahabah* and *Tabi'een* asked a scholar or someone else but did not specify an individual to make his *taqleed*. In the same way, there are innumerable examples in *Ahadith* of individual *taqleed*. Here are a few of them.

First Example

❶ Sayyidina Ikramah رحمة الله عليه reported:

ان أهل المدينة سألوا ابن عباس رضی الله عنهما عن امرأة طافت ثم حاضت،قال لهم تنفر' قالوا الانأخذ بقولک وندع قول زيد

Some people of Madinah asked Sayyidina Ibn Abbas about the woman who menstruated after the *fard tawaf*. (Should she wait to perform *tawaf wada*, or may return without performing it?) He said, "She may go home (without performing it)." The people of Madinah said, "We cannot act on your ruling and forsake Zayd ibn Thabit's ruling."[1]

The same Hadith on the transmission of Abdul Wahab ath-Thaqafi quotes the people of Madinah:

لا نبالي أفتيتنا أولم تفتنا، زيد بن ثابتؓ يقول لا تنفر

"We do not care whether you give an edict or not. The verdict of Zayd ibn Thabit is that she cannot go away

❶ Saheeh al-Bukhari: Kitab ul-Hajj.

(without tawaf al-wada')."[1]

The same incident is reported by Qatadah. The people of Madinah are quoted thus:

لانتابعک یا ابن عباسؓ وانت تخالف زیداً، فقال سلوا صاحبتکم أمّ سلیمؓ

> "O Ibn Abbas! We will not follow you in the matter you disagree with Zayd ibn Thabit ؓ." He said, "Ask Umm Sulaym رضی الله عنها (When you go to Madinah whether my ruling is correct)."[2]

Two are things known from this incident. The people of Madinah abided by Sayyidina Zayd ibn Thabit's ؓ rulings and Sayyidina Ibn Abbas ؓ also cited the *Ahadith* of Sayyidah Umm Sulaym رضی الله عنها[3]. But, they had confidence in Sayyidina Zayd ؓ, so did not abide by the verdict of Ibn Abbas ؓ.

The second thing is that Sayyidna Ibn Abbas ؓ, too, did not object to their conduct. He did not say that by choosing one person to follow they were committing sin or polytheism. Rather, he advised them to consult Sayyidah Umm Sulaym رضی الله عنها and refer it again to Sayyidina Zayd ibn Thabit ؓ. When they did so, Sayyidina Zayd ؓ re-assesed the case and revoked his previous verdict and informed Sayyidina Ibn Abbas ؓ of it. This is explained in *Muslim, Nasai, Bayhaqi* and others.[4]

Some people have asked that if the Madinans were *muqallid* (followers of an *imam*), why should they

❶ Fath al-Bari v3 p468. Umdat al-Qari v4 p777.

❷ Musnad Abu Dawood Tiyalsi p229.

❸ Later, when Sayyidina Zayd ibn Thabit reversed his verdict, the people of Madinah told Sayyidina Ibn Abbas when they met him وجدنا الحدیث کما حدثتنا "We found the Hadith as you narrated." (Umdat ul-Qari)

❹ Fath al-Bari v3 p468-469

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investigate the Hadith of Sayyidah Umm Sulaym رضی الله عنها?[1] But they are under a misconception that it is forbidden to investigate a Hadith after following a *mujtahid*. Most of the arguments of the *ghayr muqallid* are based on this misconception. As I have stated already, the reality of *taqleed* is merely that if anyone is unable to understand the Qur'an and Hadith on his own, to clear the superficial doubts, know the abrogated and 'abrogating' then without seeking a detailed study from a *mujtahid*, he relies on his (*mujtahid's*) knowledge and conducts himself on his edicts. Such a person is in no way disallowed thereafter to study the Qur'an and Ahadith. In fact, this door remains open even after *taqleed*. There are many scholars who have written exegesis of the Qur'an and Ahadith in spite of having adopted the *mazhab* of an *imam*. If they come across a Hadith that contradicts the ruling of a *mujtahid*, and there is no evidence against it then they conduct themselves on the Hadith, not the imam's rulings. We will see this in detail later. Hence, it is not against talqeed to investigate a Hadith if an imam's verdict seems to be against it. In the foregoing Hadith, both investigation and taqleed are observed. Sayyidina Zayd ibn Thabit was alive and could have been informed of the results of investigating the Hadith. So, that was done and he corrected his verdict accordingly and his followers were in no risk of contradicting the Hadith and their imam, too.

However, what is worth paying attention to is the assertion of the people that they could not neglect Zayd's ﷺ verdict and adopt Ibn Abbas ﷺ. If this is not *taqleed* of an individual, what is it?

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❶ Tahreek Aazadi Fikr, Mawlana Muhammad Isma'il Salfi رحمة الله عليه, p136.

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Second Example

❷ Sayyidina Huzayl ibn Shurahbeel رحمة الله عليه reported that someone asked Sayyidina Abu Musa Ash'ari رضي الله عنه a ruling. He gave an answer but also advised them to ask Sayyidina Abdullah ibn Mas'ood رضي الله عنه. They went to him and told him that they had asked Abu Musa Ash'ari رضي الله عنه already. His ruling was contrary to Abu Musa's رضي الله عنه who, when they told him about it, said:

لا تسألوني مادام هٰذا الحبر فيكم

"Do not ask me (for rulings) as long as this great scholar is among you."

The words in *Musnad Ahmad*, etc. are:

لا تسألوني عن شيء مادام هٰذا الحبر بين أظهركم

"As long as this major scholar is among you do not ask me anything."[1]

This is *taqleed* of individual which Sayyidina Abu Musa al-Ash'ary رضي الله عنه recommended.

Some people have wondered that Abu Musa al-Ash'ari رضي الله عنه disallowed recourse to him when Ibn Mas'ood رضي الله عنه was present, but it does not imply that he disallowed recourse to other *Sahabah* too, for, how could he prevent people from approaching the senior of them who were alive at that time? He could have meant that when the senior were there, the junior should not be approached.[2]

The truth is that this incident took place in Kufah were Sayyidina Abdullah ibn Mas'ood was the most learned man available. It took place in the times of Sayyidina Uthman رضي الله عنه,[3] and Sayyidina Ali رضي الله عنه was also not in Kufah then. Thus there was no one else of the calibre of

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❶ Saheeh Bukhari: Kitab al-Fara'id, Chapter on inheritance, v2 p997, Musnad Ahmad v1 p464.

❷ Tahreek Azadi Fikr p138.

❸ Umdat ul-Qari v11 p98. Fath al Bari v2 p14.

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Sayyidina Abdullah ibn Mas'ood ؓ. So, if the saying of Abu Musa ؓ were to mean, "When the senior is there, the junior should not be consulted," it would mean the same thing that as long as Abdullah ibn Mas'ood ؓ is there, only he should be asked for rulings. There was no scholar in Kufah more learned than him. It is stated in *Mu'jam Tabarani* that Sayyidina Abu Musa Ash'ari ؓ was asked a question about suckling and he said the same thing thus:

لا تسألوني عن شيء ما أقام هذا بين أظهرنا من اصحاب رسول الله صلّى الله عليه وسلّم.

"Do not ask me anything as long as this (Ibn Mas'ood) of the *Sahabah* is among us."[1]

So, the situation in which Sayyidina Abu Musa ؓ said this is a clear advice to make *taqleed* of an individual. It was not disallowed in the times of the *Sahabah* ؓ.

Third Example

(٣) عن معاذ بن جبل ؓ أنّ رسول الله صلى الله عليه وسلم لما بعثه الى اليمن، قال: كيف تقضى اذا عرض لك قضاء؟ قال أقضى بكتاب الله، قال فان لم تجد في كتاب الله؟ قال فبسنّة رسول الله صلى الله عليه وسلم قال فان لم تجد في سنّة رسول الله ولا في كتاب الله؟ قال: أجتهد رأيي، ولا آلو، فضرب رسول الله صلى الله عليه وسلم صدره، فقال: الحمد لله الذى وفق رسول رسول الله صلى الله عليه وسلم لما يرضى رسول الله ﷺ.

❸ Sayyidina Mu'az ibn Jabal ؓ reported that when

❶ Majma' az-Zawa'id v4 p262 (Chapter: ar-Rida' Kanz ul-Ummal v6 p14) on the authority of Abdur Razzaq and includes: والله لا أفتيكم ماكن بها

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Allah's Messenger ﷺ sent him to Yaman, he asked him how he would decide cases when they were brought to him. He said, "According to Allah's Book." The Prophet ﷺ asked, "If you do not find them there?" "Then according to your *sunnah*." "But, if they are not there, then?" Mu'az رضي الله عنه said, "I will make *ijtihad* and extract judgement with my opinion (and try to arrive at a true conclusion), not being negligent in that."

The Prophet ﷺ was pleased and patted him lightly on the chest, saying, "All praise belongs to Allah Who caused the envoy of Allah's Messenger to conform to what pleases Allah's Messenger."[1]

This incident is the light of guidance on *taqleed* and *ijtihad*. We wish to touch on only one aspect of this question that the Prophet ﷺ sent only one of his competent *Sahabah* as governor, judge, teacher and *mujtahid* to the people of Yaman and bound them to obey him. He permitted him to issue edicts not only on the basis of the Qur'an and *sunnah*, but also on personal judgement and deduction. What else does it signify but that the people of Yaman were permitted to make *taqleeld* of individual. Rather, he made it binding on them.[2]

❶ Abu Dawood: *Kitab al-Aqdiyah*; *ijtihad ar-rai'y*.

❷ One who calls me and everyone who observes *taqleed* infidels and polytheists has commented on my conclusions thus. "He should have seen first if the Hadith is authentic." (*at-tahqeeq fi jawab at-taqleed* p49). He then reproduces the objections of 'Allamah Jauzqani رحمة الله عليه from the marginal notes of Abu Dawood against this Hadith. First of all, while he rejects *taqleled*, he himself practices it when he finds Allamah Jauzqani's رحمة الله عليه words enough. Secondly, it sufficied him to see the marginal notes of Abu Dawood to verify the Hadith; if he had only seen Allamah Ibn Qayyim's رحمة الله عليه investigation, his doubts would have been set at rest. The Allamah has given answers to the objections of Imam Jauzqani رحمة الله عليه and asserted that none of the narrators of this Hadith is a liar or in any way defective. ...... *(Continued on Next Page)*

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Sayyidina Mu'az ﷺ was not sent only as a governor to Yaman, but also as a teacher and a *mufti*. So, it is wrong to suppose that this Hadith has nothing to do with rulings and edicts.[1]

عن الأسود بن يزيدٌ قال أتانا مُعاذ بن جبلﷺ باليمن معلّماً أو أميرا، فسألناه عن رجل توفّى وترک ابنته وأخته فأعطىالابنة النّصف والأخت النّصف.

Aswad ibn Yazeed رحمة الله عليه said that Sayyidina Mu'az ibn Jabal ﷺ came to them in Yaman as their ameer and teacher. They asked him for a ruling on a man who had died leaving behind a daughter and a sister (what was their inheritance)? So, he gave half legacy to each.[2]

Here, he acted as a *mufti* and gave no reasoning for that. This has been accepted in *taqleed*, but his judgement is based on the Book and sunnah. Here is another edict based on his *ijtihad*.

عن أبى الأسود الديلى قال كان معاذا باليمن فارتفعوا اليه فى يهودى مات وترک أخا مسلما فقال معاذ، انى سمعت رسول الله صلى الله عليه وسلم يقول ان الاسلام يزيد ولا ينقص فورثه

Abu al-Aswad Deeli رحمة الله عليه said that when Mu'az ﷺ was in Yaman the people brought to him the case

(Continued from Previous Page) ...... Besides, he has also named another chain of narrators for this Hadith:

Ubadah ibn Nusayi from Abdur Rahman from Ghanam from Mu'az رضى الله عنه.

He has written that (the asnad and the narrators are known for reliability.)

Also, on reference to Khatib Baghdadi that the Hadith is worth citing for encouragement of the *ummah*. (*I'lam al-Muqi'een*, v1 p172.)

❶ Tehreek Azadi Fikr, Mawlana Muhammad Isma'il Salfi. p140

❷ Saheeh Bukhari, Kitab al-Fara'id — Chapter on legacy.

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of a Jew who had died leaving behind a Muslim brother. (Would the Muslim brother inherit from him?) He said, "I have heard Allah's Messenger ﷺ say that Islam increases, does not decrease (so the Muslim brother cannot be deprived of inheritance)." And, he gave him his share of inheritance.[1]

Observe that he deduced from a Hadith that had nothing to do with inheritance. It was merely his independent judgement which the Yamanis accepted.

There is also this Hadith:

ان معاذ اقدم اليمن فلقيته امرأة من خولان...... فقامت فسلّمت علٰى معاذ...... فقالت: من أرسلك أيها الرجل؟ قال لها معاذ: ارسلنى رسول الله صلى الله عليه وسلم ، قالت المرأة أرسلك رسول الله صلى الله عليه وسلّم وأنت رسول رسول الله صلى الله عليه وسلم؟ فلا تخبرنى يا رسول الله صلى الله عليه وسلم، فقال لها معاذ: سلينى عما شئت.

When he came to Yaman, a woman of Khwalan met Sayyidina Mu'az and, after salutation, said to him, "O man! Who has sent you?" He said, "Allah's Messenger ﷺ has sent me." She said, "You are sent by Allah's Messenger ﷺ and you are his envoy. So, O Messenger of Allah's Messenger will you not teach me (religion)? He said, "Ask any question you like."[2]

Clearly he was not sent merely as a governor, but also as an envoy of Allah's Messenger ﷺ charged with teaching people the religion. The woman asked him what rights a husband had over his wife. In answer, he did not mention a verse or Hadith, but gave his answers according

1 Musnad Ahmad v5 pp230-236. Haakim (v4 p345). This was his deduction otherwise the consensus is that a Muslim does not inherit from a non-Muslim — لايرث المسلم الكافر (the Prophet's ﷺ saying.)

2 al-Haythmi in Zawa'id.

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to Islam's principles and gave no reasoning. What other evidence is required that he was sent not only as a judge and administrator, but also as an envoy of the Prophet ﷺ to teach the people injunctions of *Shari'ah* and that the people might make *taqleed* of him.

Furthermore, Sayyidina Mu'az ibn Jabal ﷺ was the *Sahabi* of whom the Prophet ﷺ said, أَعْلَمُهُمْ بِالْحَلَالِ وَالْحَرَامِ (The most learned of the Sahabah about the lawful and the unlawful.)[1] He also said about him:

انه يحشر يوم القيامة بين يدى العلماء نبذة

> "He will be raised on the Day of Resurrection while he is so much ahead of the *ulama* (leading them) as far as an arrow flies."[2]

So, not only the Yamanis but also the other *Sahabah* followed him.

عن أبى مسلم الخولانى قال أتيت مسجد أهل دمشق فاذا حلقة فيها كهول من أصحاب النبى صلى الله عليه وسلم (وفى رواية كثير بن هشام: فاذا فيه نحو ثلاثين كهلا من أصحاب النبى صلى الله عليه وسلم واذا شاب فيهم أكحل العينين برّاق الثنايا، كلّما اختلفوا فى شئ ردّوه الى الفتى فتى شابّ، قال، قلت لجليس لى: من هٰذا؟ قال: هٰذا معاذ بن جبل ﷺ.

Abu Muslim Khawlani رحمة الله عليه reported that when he went to the mosque of the people of Damascus, he saw an old-aged Sahabah sitting in a circle (who, according to a version, were about thirty). There was a young man among them, antimony applied to his eyes and teeth bright white. When they differed about some issue, they referred it to him. Abu Muslim asked the

❶ Nasai, Tirmizi, Ibn Majah. Tahzeeb al-Asma wal-Lughat, v1 p99
❷ Musnad Ahmad.

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man next to him who he was and he answered, "Muaz ibn Jabal ﷺ."[1]

Observe that about thirty of the Companions ﷺ followed Mu'az ﷺ in debated issues. The words in another version are:

اذا اختلفوا فى شئ اسندوه اليه وصدروا عن رأيه

That is, "They asked Mu'az to decide and accepted his judgement."[2]

So he is one of whom the Prophet ﷺ said that he was the most learned about the lawful and unlawful and whom the other *Sahabah* followed — that is, made *taqleed.* The Prophet ﷺ had required the Yamanis to turn to him in religious matters. This is *taqleed.*

Fourth Example

(٤) عن عمروبن ميمون الأودى قال قدم علينا معاذ بن جبلؓ اليمن رسول الله صلى الله عليه وسلم الينا، قال، فسمعت تكبيره مع الفجر رجل أجشّ الصوت، قال، فالقيت محبتى عليه، فما فارقته حتى دفنته بالشام ميّتاً، ثمّ نظرت الٰى أفقه الناس بعده فأتيت ابن مسعودؓ فلزمته حتى مات.

❹ Amr ibn Maymoon al-Awdi رحمة الله عليه said that Sayyidina Mu'az ibn Jabal ﷺ went to them in Yaman as the Prophet's ﷺ envoy. He said, "I heard his *takbir* in the *Fajr salah.* His voice was heavy and I naturally developed a love for him. Then, I did not separate from him till he died. I buried him in Syria. Then I looked for the next greatest jurists and came to Ibn Mas'ood ﷺ and stayed with him till he died.[3]

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❶ Musnad Ahmad, v5 p236

❷ ibid v5 p233

❸ Abu Dawood v1 p26. usnad Ahmad v5 p231

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Sayyidina Amr ibn Maymoon رحمة الله عليه stayed first with Sayyidina Mu'az ibn Jabal رضي الله عنه and then with Sayyidina Ibn Mas'ood رضي الله عنه to learn the issues of *fiqh*. Thus, it is a clear example of making *taqleed* of one man at one time (taqleed of an individual).

Some Assorted Examples

It is reported by many of the *tabi'een* that they had chosen to follow one or another *Sahabi*. Here are the examples:

❺ Imam Sha'bi رحمة الله عليه said:

من سرّه أن يأخذ بالوثيقة فى القضاء فليأخذ بقول عمرؓ

To whom it pleases to gain authority in judgement let him adopt the sayings of Umar رضي الله عنه.[1]

❻ Sayyidina Mujahid said:

اذا اختلف الناس فى شئ فانظروا ما صنع عمرؓ فخذوا به

When people disagree about an affair, see how Sayyidina Umar رضي الله عنه acted. Thus, follow him.[2]

❼ Imam A'mash رحمة الله عليه said about Ibrahim Nakh'ee رحمة الله عليه:

انه كان لا يعدل بقول عمرؓ وعبد الله اذا اجتمعا، فاذا اختلفا كان قول عبد اللهؓ أعجب اليه.

When Sayyidina Umar رضي الله عنه and Sayyidina Ibn Mas'ood رضي الله عنه agreed about a question, Ibrahim Nakh'ee رحمة الله عليه did not regard any verdict equal to theirs. But when they differed, he went by Abdullah's رضي الله عنه (Ibn Mas'ood) verdict.[3]

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❶ I'lam al-Muqi'een, Ibn al-Qayyim v1 p15.
❷ ibid.
❸ ibid, v1 pp13-14

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❽ Sayyidina Abu Tamimah رحمة الله عليه said:

قد منا الشام فاذا الناس مجتمعون يطيفون برجل، قال، قلت من هذا؟ قالوا هٰذا افقه من بقى من أصحاب النبى صلى الله عليه وسلم، هٰذا عمرو البكالىؓ

When we came to Syria, we saw that people had gathered round a man. They moved around him. I asked who he was and I was told that of the surviving *Sahabah*, he was the greatest jurist, that is Amr al-Bikali ﷺ.[1]

❾ Imam Muhammad ibn Jarir Tabari رحمة الله عليه said:

لم يكن أحدله أصحاب معروفون حررو افتياه ومذاهبه فى الفقه غير ابن مسعودؓ، وكان يترك مذهبه وقوله لقول عمرؓ، وكان لا يكاد يخالفه فى شئ من مذاهبه، ويرجع من قوله الى قوله، وقال الشعبى كان عبد الله لا يقنت، وقال: ولوقنت عمر لقنت عبدالله.

There is no one (among the *Sahabah*) who may have as many famous students and whose rulings and juristic teachings may have been compiled as Ibn Mas'ood's ﷺ. In spite of that, he preferred Umar's ﷺ rulings and sayings to his own. He almost did not disagree with him. He withdrew his rulings against Umar's ﷺ. And Imam Sha'bi رحمة الله عليه said that Abdullah ﷺ did not recite the *qunoot* but if Umar ﷺ recited it then he too recited it surrely.[2]

These are examples of *Taqleed* of Individual. However, there are different ranks of those who make *taqleed*. In accordance with that, though a man is *muqallid* of an *imam*, he disagrees with him on certain issues, yet his *taqleed* is said to be individual. For instance, many scholars of the *Hanafi* school have issued edicts contrary

❶ I'lam al-Muqi'eem v1 p14.
❷ I'lam al-Muqi'eem v1 p16

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to the sayings of Imam Abu Hanifah رحمة الله عليه, yet they are called his *muqallid*. We will discuss it later on in this book, Insha Allah. Hence, the reference of Ibn al-Qayyim رحمة الله عليه and others to the juristic differences among the *Sahabah* and *Tabi'een* in response to these examples[1] does in no way upset our conclusion.[2]

In short, the foregoing narrations confirm that the *Sahabah* observed both kinds of taqleed (individual and absolute). One who is not qualified or able to deduce the commands directly from the Qur'an and *sunnah* is justified to observe both kinds of *taqleed*; it is both proper and lawful for him to do so.

Shah Waliullah Muhaddith Dahlavi رحمة الله عليه wrote:

وليس محلّه فيمن لا يدين الّا بقول النبى صلى الله عليه وسلم ولا يعتقد حلالاً الاما أحله الله ورسوله ولاحراما الّاما حرمه الله ورسوله لٰكن لما لم يكن له علم بما قاله النبى صلى الله عليه وسلم ولا بطريق الجمع بين المختلفات من كلامه ولا بطريق الاستنباط من كلامه اتبع عالماً راشداً علٰى أنه مصيب فيما يقول ويفتي ظاهراً متّبع سنّة رسول الله صلى الله عليه وسلم فان خالف مايظنّه أقلع من ساعته من غير جدال ولا اصرار، فهٰذا كيف ينكره أحد مع أن الاستفتاء والافتاء لم يزل بين المسلمين من عهد النّبى صلى الله عليه وسلم ولا فرق بين أن يستفتى هذا دائما، أويستفتى هٰذا حينا وذلك حينا بعد ان يكون مجمعاً علٰى ماذكرناه

That (which is said in condemning *taqleed*) is not

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❶ ibid v2 p170

❷ See *Inha as-Sukan* (*Muqaddamah, A'la as-Sunan*) v2 pp 4-69 (Mawlana Habib Ahmad Kiranawy رحمة الله عليه) for a comprehensive reply to Allamah Ibn Qayyim's رحمة الله عليه objections.

applicable to one who does not regard as liable to observe anyone's saying, except the Prophet's ﷺ and believes that only that is lawful which Allah and His Messenger ﷺ have made lawful and that is unlawful what they have made unlawful. However, since he is not acqainted with the sayings of the Prophet ﷺ nor is he able to reconcile apparently contradictory versions and he is not adept at deducing commands from his sayings, so, he follows a guided scholar who is truthful, righteous and who observes the Prophet's sunnah. But, if he finds him otherwise then he may cease his taqleed without dispute or quarrel. How can anyone reject this conduct (of *taqleed*) while right from the Prophet's time, the practice of requesting a ruling and giving one is observed. So, (if that this valid then) a man may always ask the same person for a ruling. (This is *taqleed* of the individual). Or, he may ask different people at different times (which is absolute *taqleed*) provided the aforementioned conditions are met.[1]

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❶ Hujjatallah al-balighah v1 p156. Maktabah Salfiyah, Lahore 1395 AH Aqd al-Jayyid p39. Mujtabai, Delhi 1344.

THE NEED TO MAKE *TAQLEED* OF AN INDIVIDUAL

Hence, it is proper to conduct oneself on either *'absolute taqleed'* or *'taqleed of an individual'*.

May Allah shower mercy on the latter day jurists who understood the needs of their times. They saw wisdom in allowing only *Shaksi* or Individual *Taqleed*. People should not change allegiance to the *imams*.

To know their reasoning, we must first realise that slavery to one's own desires is a misguidance that might lead one to disbelief. This is why the Qur'an has frequently exphaised that one must not overindulge in personal desires.

There is a kind of it in which although man realises it to be evil yet he succumbs to the longing of his self and commits sin. This kind is a great crime, but it is not serious because there is always a possibility that man will repent and seek forgiveness for his sins.

There is another kind in which man becomes a slave to his desires to such an extent that he does not distinguish between the lawful and the unlawful. He plays with *Shari'ah*. Obviously, it is a very serious kind, dangerous and ruinous and it is necessary to keep away from every deed that may take man on the route of such desires.

The scholars realised that men became less reliable, day by day, and they were less careful and less righteous. If they were allowed to observe *'absolute taqleed'* then they would indulge in evil desires knowingly or

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unconsciously. For instance, a man bleeds in winter and he knows that his ablution is renderred invalid according to Imam Abu Hanifah رحمة الله عليه, but is is not void according to Imam Shafi'ee رحمة الله عليه. So he finds it convenient to make *taqleed* of the latter *imam* and offers *salah* without making ablution. Later on, he touches a woman. According to Imam Shafi'ee رحمة الله عليه his ablution is void but is retained according to Imam Abu Hanifah رحمة الله عليه, so he switches allegiance to Imam Abu Hanifah رحمة الله عليه and again offers *salah* without ablution. So, he adopts the saying of whichever *imam* he finds convenient for him. In other words, the commands of *Shari'ah* will become a plathing for him. This is surely unlawful and all Muslims agree on it. Allamah Ibn Taymiyah رحمة الله عليه wrote:

وقد نصّ الامام احمد وغيره علىٰ انه ليس لاحد ان يعتقد الشئ
واجباً اوحراماً، ثم يعتقده غير واجب او محرم بمجرد هواه، مثل
ان يكون طالباً لشفعة الجوار يعتقدها انها حق له ثم اذا طلت منه
شفعة الجوار اعتقدها انها ليست ثابتة، او مثل من يعتقد اذا كان
اخامع جدّ ان الاخوة تقاسم الجدّ فاذا صار جدّا مع اخ اعتقد ان
الجدّ لالقاسم الاخوة...... فمثل هٰذا ممن يكون فى اعتقاده حل
الشى وحرمته ووجوبه وسقوطه بسبب هواه مذموم مجروح
خارج عن العدالة، وقد نصّ احمد وغيره علىٰ ان هٰذا لايجوز

Imam Ahmad رحمة الله عليه and others have explained that no one has a right to declare something as forbidden to pursue his base desires and then allowed when he finds that more suitable. Thus, as a neighbour he may claim right of pre-emption according to the Hanafi school, but when his neighbour claims it from him he may reject it on the plea of the Shafa'i school of thought. Or, he may claim inheritar e of his dead

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brother when his paternal grandfather is alive as a co-sharer with him, but when he is the paternal grandfather and his grandson dies leaving a brother, he denies him a co-share in inheritance...... Such conduct is unlawful.[1]

He wrote elsewhere:

يكونون فى وقت يقلّدون من يفسده وفى وقت يقلدون من يصححه بحسب الغرض والهوىٰ ومثل هذا لايجوز باتفاق الأئمة.

Such people follow an imam who holds that marriage is void, but later they switch over to one who regards it to be proper. Such conduct is unlawful unanimously in the eyes of the *ummah.*

Then again he wrote after a few lines:

ونظير هٰذا ان يعتقد الرجل ثبوت شفعة الجوار اذا كان طالباً لها وعدم ثبوتها اذا كان مشترياً، فان هٰذا لايجوز بالاجماع، وكذا من بنى صحة ولاية الفاسق فى حال نكاحه وبنى علىٰ فساد ولايته حال طلاقه لم يجز ذلک باجماع المسلمين، ولوقال المستفتي المعين انا لم اكن اعرف ذلک وانا من اليوم التزم ذلک لم يكن من ذلک، لان ذلک يفتح باب التلاعب بالدين وفتح الذريعة الىٰ ان يكون التحليل والتحريم بحسب الاهواءِ.

Its example is that when a person is himself in want of it, he opts for preemption. But, if he is the buyer, he is against preemption. This is unlawful conduct. Similarly, when marriage is contracted, a man considers the guardianship of a sinner correct, but when divorce is effected he considers that same guardianship invalid so that he may not be guilty of having performed wrong. This conduct is unlawful.

[1] al-Fatawa al-Kubra, Ibn Taymiyah v2 p237.

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Again, if someone says that he had not known of a school of thought which he now joins then too his word is not accepted because it might lead others to play with religion to measure lawful and unlawful on his desires.[1]

This is a great wrong and Allamah Ibn Taymiyah رحمة الله عليه did not subscribe to *taqleed* of individual, yet he confirms that it is unlawful to switch over sympathies.

In the times of the Sahabah ﷺ and *tabi'een* رحمة الله عليهم people were very God-fearing and righteous. So there was not apprehension in *absolute taqleed* that people would succumb to their base desires and turn to one or other *mujtahid* now and then. Hence, there was no distate in '*absolute taqleed*' in those days.

When later jurists found that people were becoming unreliable, they gave the verdict that only *taqleed* of an individual was allowed. This was not a command of Shari'ah but an edict for administrative reasons. Allamah Nawavi رحمة الله عليه said about it:

ووجهه انه لو جاز اتباع ایّ مذهب شاء لأفضى الٰى ان يلتقط رخص المذاهب متبعاً هواه ويتخير بين التحليل والتحريم والوجوب والجواز، وذٰلک يؤدى الٰى انحلال ربقة التكليف بخلاف العصر الأوّل فانه لم تكن المذاهب الوافية باحكام الحوادث مهذبة وعرفت، فعلٰى هٰذا يلزمه ان يجتهد فى اختيار مذهب يقلده على التعيين.

The reason taqleed of an individual has been made binding is that if man was allowed to follow whichever school of thought he liked then he would seek ease in every school of thought and act according to his base desires. People will get authority over the

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[1] Fatawa al-Kubra, Ibn Taymiyah v2 pp285-286

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lawful and unlawful, the permitted and forbidden. The restrictions of the *Shari'ah* will be removed finally. In earlier days, the schools of thought were not arranged completely and well-known. (Now that they are compiled and known) it is essential for everyone to select one of them and follow it specifically.[1]

Thousands of *mujtahids* have come since the days of the *Sahabah*, and there certainly are somethings that are easy with some and, being human, some errors have crept in and it is with all that one or two things that are against general consensus. So, if absolute *taqleed* is allowed, people would choose the easiest and *Shari'ah* commands would become meaningless. For example,

Imam Shafi'ee رحمة الله عليه permits playing chess.

Abdullah ibn Ja'far رحمة الله عليه allowed signing and flute[2]

Qasim ibn Muhammad رحمة الله عليه allowed pictures without shadows.[3]

A'mash رحمة الله عليه held that fasting commenced from sunrise, not dawn.[4]

Ata ibn Abu Ribah رحمة الله عليه held that if Eid fell on Friday then both the salah of Friday and *Zuhr* are waived and there is no *salah*, till *Asr*.[5]

Dawood Zahiri and Ibn Hazam رحمة الله عليهم have ruled that one who intends to marry a woman may see her in the nude.[6]

And Ibn Sahnun رحمة الله عليه and others are said to have allowed anal intercourse.[7]

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❶ al-Majmoo' Sharah al-Muhazzib v1 p91. Cairo. Muqaddamah, Fasl fi aadab al-mustafta, question no. 3

❷ Ithaf ab-Sadatul Mutqeen, Zubaydi v6 pp458-459

❸ Nawawi, Sharah Muslim v2 p199 (pictures)

❹ Rooh al-Ma'ani. Aalusi, v2 p67 verse 2:187, and wrote: None but a blind would follow the squint eyed (meaning of a'mash).

❺ Tahzeeb al-Asma wal-Lughat, Nawawi v1 p334

❻ Tuhfah al-Ahwazi v2 p170. Fath al-Mulhim v3 p476

❼ Talkhees ul-Jeer, Ibn Hajr, v3 pp186-187.

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These are a few examples that came to mind suddenly. Actually, there are many such sayings in books of *fiqh* and Hadith.

So, if Absolute *taqleed* is allowed and everyone is permitted to do as he likes and choose a ruling that suits him then he would collect such sayings and prepare a religion with the help of his base self and the devil. This is not allowed by anyone. Mu'mar رحمة الله عليه has said:

لوان رجلاً اخذ بقول اهل المدينة فى استماع الغناء واتيان النساء فى ادبار هن، وبقول اهل مكة فى المتعة والصرف، وبقول اهل الكوفة فى المسكر كان شر عباد الله.

"If anyone listens to songs, opts for the ruling of some Madinans about anal intercourse, of some Makkans about mut'ah and sarf, or some Kufians about drugs then he will be the worst of Allah's slaves."[1]

If *taqleed* of an individual is not made compulsory, man can choose what his desires prompt quite unconsciously.

Allamah Abdur Rauf Munadi رحمة الله عليه has discussed this question exhaustively. He cites Ibn ul-Humam رحمة الله عليه as saying:

والغالب أن مثل هذه الالتزامات لكف النّاس عن تتبّع الرّخص

"Most certainly, these restrictions aim at preventing people from seeking convenience and ease (on the prompt of base desires)."[2]

Allamah Abu Ishaq Shatbi Maaliki رحمة الله عليه has given examples of many events in his work *al-Mawafiqat*. By selecting convenience in different schools of thought instead of observing the Qur'an and *sunnah,* people found their base desires being satisfied. He cites Allamah Mazari

❶ Talkhees al-Jeer, Ibn Hajr, v3 p187, Kitab un-Nikah # 542. Aqd al-Jayid p62

❷ Fayd al-Qadeer, Sharah Jami, as-Saghir, v1 p211.

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رحمة الله عليه, a scholar of the *Maaliki* school, who refused to issue an edict on any ill-known saying:

ولست ممن يحمل الناس علىٰ غير المعروف المشهور من مذهب مالكؒ واصحابه لان الورع قلّ، بل كاديعدم والتحفظ على الديانات كذلک، وكثرت الشهوات وكثر من يدعى العلم ويتجاسر علىٰ الفتوىٰ فيه، فلو فتح لهم باب فى مخالفة المذهب لا تسع الخرق على الرّاقع، وهتكوا حجاب هيبة المذهب وهٰذا من المفسدات التى لاخفاء بها.

"I cannot encourage people to act on the ill-known (among the) sayings of Imam Maalik رحمة الله عليه and his friends, for, taqwa is on the decline. There is little done to protect piety. Desires have multiplied and claimants to knowledge are aplenty who are quick to issue rulings. If they are allowed to oppose the Maaliki school then instead of reformation, corruption will rise. People will disrespect religion......"[1]

Allamah Shatbi رحمة الله عليه then comments:

فانظر كيف لَم يسجز، وهو المتفق علىٰ امامته، الفتوىٰ بغير مشهور المذهب، ولا بغير مايعرف منه، بناء علىٰ قاعدة مصلحية ضرورية، اذ قلّ الورع والديانة من كثير ممن ينتصب لبثّ العلم والفتوىٰ، كما تقدّم تمثيله فلو فتح لهم هٰذا الباب لانحلّت عرى المذهب بل جميع المذاهب.

Allamah Mazari agrees with the impact and rejects to rule on any ill-known saying of the Maaliki school...... *taqwa* and honesty have been scarce even among those engaged in learning and propagating...... if we are lax, every school of thought will be uprouted.[2]

❶ al-Muwafiqat v4
❷ ibid v4 pp146-147, ruling # 3 chapter 5

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Ibn Khuldun رحمة الله عليه wrote:

ووقف التقليد فى الامصار عند هٰؤلاء الاربعة ودرس المقلّدون لمن سواهم وسدالناس باب الخلاف وطرقه، لمّا كثرتشعّب الاصطلاحات فى العلوم ولمّا عاق عن الوصول الٰى رتبة الاجتهاد ولما خشي من اسناد ذلك الٰى غير اهله ومن لايوثق برأيه ولا بدينه فصرّحوا بالعجز والاعواز وردّواالنّاس الٰى تقليد هٰؤلاء كل من اختص به من المقلّدين وحظروا ان يُتداول تقليدهم لما فيه من التلاعب

> The followers of the four *imams* spread over every city and those of other *imams* became extinct. The door of differences was shut because, for one, terminology of the sciences became complex making it difficult to attain the status of *ijtihad*. The second reason was the apprehension that the unworthy might practice *ijtihad* who are unreliable. So, the ulama withdrew from *ijtihad* and directed the people to taqleed of the four imams, and disallowed them from continuously changing the imams because that would make religion a plaything.[1]

In short, there was honesty and sincerity in the times of the *Sahabah* and the *tabi'een*. They were safe from base desires overtaking them in *Shari'ah* injunctions. So *taqleed* of both kinds was practiced in their times. Later when there was great apprehension, *taqleed* was restricted to the individual kind. If that was not done, there would have been an unimaginable turmoil in matters of *Shari'ah*. Shah Waliullah رحمة الله عليه states:

واعلم ان الناس كانوا فى المائة الاولٰى والثانية غير مجتمعين على التقليد لمذهب واحد بعينه وبعد المائتين ظهر فيهم

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[1] Muqaddamah Ibn Khuldoon p 448. Egypt

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التمذهب للمجتهدين باعيانهم وقلّ من كان لا يعتمد علٰى مذهب مجتهد بعينه وكان هٰذا هو الواجب فى ذلك الزمان

Know that people were not accustomed in the first and second centuries to follow any one specified *mazhab*...... After the second century, a *mujtahid* was specified and followed. There might have been very few people then who did not follow a specific *mujtahid's mazhab*. That was *wajib* then.[1]

Some people wonder how that which was not necessary for the *Shabah* became necessary for later day people. So, he answered this question too.

قلت: الواجب الاصلّى هو ان يكون فى الامّة من يعرف الاحكام الفرعية من ادلتها التفصيلية، اجمع علٰى ذلك اهل الحق، ومقدمة الواجب واجبة، فاذا كان للواجب طرق متعددة وجب تحصيل طريق من تلك الطرق من غير تعيين، واذا تعيّن له طريق واحد وجب ذٰلك الطريق بخصوصه...... وكان السلف لايكتبون الحديث ثم صار يومنا هٰذا كتابة الحديث واجبة، لان رواية الحديث لا سبيل لها اليوم الا معرفة هذه الكتُب وكان السلف لايشتغلون بالنحو واللّغة وكان لسانهم عربيّاً لايحتاجون الٰى هٰذه الفنون، ثم صار يومنا هٰذا معرفة اللغة العربية واجبة لبعد العهد عن العرب الاوّل، وشواهد مانحن فيه كثيرة جدّاً، وعلٰى هذا ينبغى ان يقاس وجوب التقليد لامام بعينه، فانه قد يكون واجبا وقد لا يكون واجباً.

It is actually necessary that there should be people in the ummah who explain the laws of *Shari'ah* with reasoning. If there are many ways to discharge that

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[1] Al-Insaf fi bayan Sabab ikhtilaf, pp57-59.

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> *wajib* then one of them should be chosen. But if there is only one way to do that then it is necessary to gain that method. For example, our predessors did not write the Ahadith, but it is *wajib* to write them down in our times, because there is no other way to circulate Hadith. Similarly, our predecessors did not occupy themselves in learning grammar because that was their mother tongue, but it is *wajib* in our times to learn Arabic because we are very far from the earlier Arabs. There are many other examples (of something becoming wajib with changing times) and we must imagine the specification of an *imam* on this, for it can be *wajib* sometimes and not at other times.

He went on to write:

> فاذا كان انسان جاهل فى بلاد الهند وماوراءالنهر وليس هنالک عالم شافعىّ ولا مالكىّ ولاحنبلىّ ولاكتاب من كتب هذه المذاهب وجب عليه ان يقلّد لمذهب ابى حنيفة ويحرم عليه ان يخرج من مذهبه لانّه حينئذ يخلع من عنقه ربقة الشريعة ويبقى سدىً مهملا، بخلاف ما اذا كان فى الحرمين

> Thus if an ignorant person is in India or any place (like Central Asia) where there is no Shafi'ee, Maaliki or Hanbali and none of their literature, then for him only the *taqleed* of Imam Abu Hanifah رحمة الله عليه is *wajib* and he is forbidden to forsake his school of thought, for, he will then become free to cast off restriction. This is different when he is in the *Harmayn* (Makkah or Madinah) where he may follow any one of the four schools of thought.[1]

He said further:

> وبالجملة فالتمذهب للمجتهدين سرّ الهمه الله تعالىٰ العلماء وجمعهم عليه من حيث يشعرون اولا يشعرون

1 al-Insaf pp 69-71

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Binding oneself to the mazhab of the mujtahid is a secret with which Allah has inspired and made them unanimous on it knowingly or unconsciously.[1]

Shah Waliullah رحمة الله عليه also said:

ان هذه المذاهب الاربعة المدونة المحرّرة قد اجتمعت الامة، اومن يعتد به منها، على جواز تقليدها الٰى يومنا هٰذا وفى ذلك من المصالح مالا يخفى، لاسيّما فى هذه الايام التى قصرت فيها الهمم جدًّا، واشربت النفوس الهوىٰ، واعجب كل ذى رأى برأيه

Surely the *ummah* is agreed on the legality of following the four schools of thought. The wisdom is that is not unknown, particularly...... in these times when strength has weakened, base desires have made home in the hearts and everyone proclaims his opinion arrogantly.[2]

A Clear Example

We have a very clear example of *taqleed* of an individual when in the times of Sayyidina Uthman ibn Affan ﷺ, the Qur'an was being collected. According to Ibn Jarir رحمة الله عليه, Sayyidina Uthman ﷺ abolished six of the seven readings of the Qur'an, retaining only the Quraysh dialect. He had all the copies in other readings burnt down. From the Prophet's ﷺ period to the times of the first two *Khalifahs*, it was allowed to everyone to recite the Qur'an in one of the seven dialects, but Sayyidina Uthman ﷺ realised that with change of times, there was possibility of mischief cropping up if the seven readings were retained. Ibn Hajr رحمة الله عليه writes about it:

فكذلك الامّة امرت بحفظ القراٰن وقراء ته، وخيرت فى قراءته بایّ الاحرف السبعة شاءت قرأت، لعلّة من العلل

❶ ibid 63

❷ Hujjatullah al-Balighah, v1 p754

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اوجبت عليها الثبات علىٰ حرف واحد...... قراء ته بحرف واحد، ورفض القراء ة بالاحرف السّتة الباقية

In the same way, the ummah were instructed to protect the Qur'an, and to recite it. They were allowed to choose one of the seven ways of reciting. Then the same *ummah* made it binding on themselves that they would retain only one recital, and recite according to that, and forego the remaining six recitals.[1]

Ibn Jarir رحمة الله عليه answered any possible objection by clarifying that the ummah were merely given choice of the seven readings which were not *fard* or *wajib*. Later they found wisdom in abolishing six of those readings.

كان الواجب عليهم من الفعل مافعلوا، اذ كان الذى فعلوا من ذٰلک كان هو النّظر للاسلام واهله، فكان القيام بفعل الواجب عليهم بهم اولىٰ من فعل مالو فعلوه كانوا الى الجناية الى الاسلام واهله اقرب منهم الى السلامة من ذلک

That which those people did was wajib on them. Whatever they did was for the good of Islam and the followers of Islam. Hence, it was better for them to do this than to keep Islam and its people open to harm (by retaining all the seven recitals.[2]

There is also the point of view forewarded by Imam Maalik, Ibn Qutaybah, Abul Fadl Razi and Ibn al-Juzri رحمة الله عليهم and others. It is that Sayyidina Uthman ﷺ did not eliminate the six recitals. Rather all seven readings prevail to this day. However, he did determine a style of writing for the Qur'an.[3]

❶ Tafseer Ibn Jarir, v1 p19
❷ Tafseer Ibn Jarir v1 p22, Muqaddamah.
❸ Details of this point of view are found in in Tafseer Ghara'ib ul-Qur'an, Neshapuri رحمة الله عليه Ibn Jarir's (Marginal notes) v1 p21. Fath al-Bari v9 pp25-26

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If we adopt this point of view, which most scholars have, even then this is an example of '*taqleed* of an individual', for before that the Qur'an could be written down in any script. In fact, even the sequence of *surah* differed in different copies. It was proper to write the Qur'an in that way and arrangement. However, keeping the good of the *ummah* before him, Sayyidina Uthman ﷺ withdrew this choice and wrote down the Qur'an on an uniform script and sequence and made that binding on everyone to follow. He put the other copies on fire.[1]

Whichever way we look at the action of Sayyidina Uthman ﷺ as gathering the ummah on one reading, or one style of writing and sequence, this is a clear case of *taqleed.*

The same situation was faced in the case of taqleed because it was not wajib in the times of the Sahabah and tabi'een to follow one imam. However, circumstances of later days outlined in the foregoing lines compelled the ulama to make it obligatory to observe '*taqleed* of an individual', 'Absolute *taqleed*' was abolished. So, this action is not bid'ah, for, we have the example of Sayyidina Uthman ﷺ that if the ummah had multiple choice for an affair, they could select one of them to save themselves from mischief. This is all there is to *taqleed Shaksi* (individual *taqleed*).

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❶ For details see my Uloom ul Qur'an (English Translation also)

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DETERMINING THE FOUR SCHOOLS OF THOUGHT

The question then arises why choose an imam from only the four although there have been many mujtahids? There were: Sufyan Thawri رحمة الله عليه, Awz'ai رحمة الله عليه, Abdullah ibn Mubarak رحمة الله عليه, Ishaq ibn Rahuyah رحمة الله عليه, Imam Bukhari رحمة الله عليه, Ibn Abu Layla رحمة الله عليه, Ibn Shabramah رحمة الله عليه, Hasan ibn Salih رحمة الله عليه, and scores of others.

The reason is that their juristic teachings are not compiled together. If they had been arranged as the teachings of others are then surely their taqleed would have been allowed too. Neither we have their rulings in book form nor are there ulama representing them. Allamah Abdur Rauf Munadi رحمة الله عليه cites Hafiz Zahabi رحمة الله عليه as saying:

ويجب علينا ان نعتقد انّ الائمة الاربعة والسفيانين والاوزاعى وداؤد الظاهرى واسحاق بن راهويه وسائر الائمة علىٰ هدى...... وعلىٰ غير المجتهد ان يقلّد مذهباً معيّناً...... لكن لايجوز تقليد الصّحابة وكذا التابعين كما قاله امام الحرمين من كل من لم يدوّن مذهبه فيمتنع تقليد غير الاربعة فى القضاء والافتاء لان المذاهب الاربعة انتشرت وتحررت حتّٰى ظهر تقييد مطلقها وتخصيص عامها بخلاف غيرهم لانقراض اتباعهم، وقد نقل الامام الرازى رحمه الله تعالىٰ اجماع المحققين علىٰ منع العوام

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من تقليد اعيان الصّحابة واكابرهم

It is *wajib* for us to believe that the four *imams*, Sufyan Thawri, Sufyan ibn Uyaynah, Awza'i, Dawood Zahiri, Ishaq ibn Rahuyah, and all imams (رحمه الله) were guided...... And one who is not a *mujtahid* is not bound to follow a specified mazhab...... but, according to the *imam* of the *Harmayn*, *taqleed* of the *Sahabah*, *tabi'een* and these people is not proper, for their teachings are not compiled. Hence, *taqleed* of none but the four *imams* is proper because their *mazhabs* are compiled and well circulated, and they have devoloped a terminology. In contrast, the other *mazhab* have varnished. Imam Razi رحمة الله عليه has said that the scholars agree that the masses should be stopped from making *taqleed* of the well-known *Sahabah* and other religious leaders.[1]

Allamah Nawawi رحمة الله عليه has explained it thus:

وليس له التمذهب بمذهب احد من ائمة الصّحابة رضى الله عنهم وغير هم من الاوّلين وان كانوا اعلم واعلىٰ درجة ممن بعدهم، لانهم لم يتفرغوا لتدوين العلم وضبط اصوله وفروعه، فليس لاحد منهم مذهب محرّر مقرّر، وانما قام بذلك من جاء بعدهم من الائمة الناحلين لمذاهب الصحابة والتابعين القائمين بتمهيد احكام الوقائع قبل وقوعها الناهضين بايضاح اصولها وفروعها كمالكؒ وابى حنيفةؒ.

Although the Sahabah and the elders of the first generation were superior to later day jurists and *mujtahids*, yet they did not get an opportunity to compile and arrange their knowledge and its principles and branches. So, it is not proper to make taqleed of them because none of their teachings can be

1 Fayd ul-Qadeer v1 p210

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pinpointed for sure. Compilation began later on by the imams who had benefitted from the mazhab of the Sahabah and tabi'een. They compiled their commands and explained their own basic principles and branches, like Imam Maalik رحمة الله عليه and Imam Abu Hanifah رحمة الله عليه.[1]

There are many other *ulama* who have explained this subject, but we will let it suffice with two quotations of Ibn Taymiyah رحمة الله عليه and Shah Waliullah رحمة الله عليه both of whom are recognised by even those who do not subscribe to *talqeed.*

Allamah Ibn Taymiyah رحمة الله عليه writes:

وليس فى الكتاب والسنّة فرق فى الائمة المجتهدين بين شخص وشخص، فمالك والليث بن سعد والاوزاعى والثورى هٰؤلاء ائمة فى زمانهم، وتقليد كلّ منهم كتقليد الأخر لا يقول مسلم انه يجوز تقليد هذا دون هٰذا، ولكن من منع من تقليد احد هٰؤلاء فى زماننا، فانما يمنعه لاحد شيئين (احدهما) اعتقاده انه لم يبق من يعرف مذاهبهم وتقليد الميت فيه خلاف مشهور، فمن منعه قال هٰؤلاء موتى ومن سوّغه قال لابد ان يكون فى الاحياء من يعرف قول الميّت، (والثانى) ان يقول الاجماع اليوم قد انعقد علٰى خلاف هذا القول...... واما اذا كان القول الذى يقول به هٰؤلاءِ الائمة او غيرهم قد قال به بعض العلماء الباقية مذاهبهم فلا ريب ان قوله مؤيد بموافقة هٰؤلاء ويعتضدبهٖ

From the point of view of the Book and sunnah, there is no difference among the *mujtahid imams*. So, Imam Maalik, Layth ibn Sa'd, Imam Awza'ee, Sufyan Thawri رحمة الله عنهم were all *imams* of their times and the same command applies in each case for *taqleed*.

[1] al-Majmoo', Nawawi v1 p91.

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No Muslim argues that taqleed of any of them is disallowed. But if anyone has forbidden taqleed of anyone then he has done that for one of the two reasons:

(1) There are no more men surviving who might be fully aware of the *mazhab* of any of them. There is bound to be differences in *taqleed* of a dead *imam.* While those who allow taqleed of a dead *imam* permit it only if any of the living ulama possess knowledge of the dead imam's mazhab. (Since none of them survives, it is not proper to make *taqleed* of those *imams*).

(2) There is a consensus against the teachings (of those whose *mazhab* is extinct)...... But, if any of their sayings is available which is according to the surviving *mujtahid's* sayings, then their sayings would be seconded and thus strengthened.[1]

The other scholar is Shah Waliullah رحمة الله عليه. He has created a full chapter in his book *Aqdal Jeed* for this subject, entitled:

باب تاكيد الاخذ بهذه المذاهب الاربعة والتشديد فى تركها والخروج عنها

Chapter Third & Fourth. Concerning the emphasis on choosing the Four Mazhab and on Strict Prohibition of Leaving them and coming out of them.

اعلم انّ فى الاخذ بهذه المذاهب الاربعة مصلحةً عظيمة وفى الاعراض عنها كلها مفسدة كبيرة ونحن نبيّن ذلك بوجوه الخ

There is a great wisdom in choosing the four schools of thought and in turning away from all of them there is great mischief. We explain it though much reasoning.......[2]

❶ al-Fatawa al-Kubra, Ibn Taymiyah v2 p446.

❷ Aqd ul-Jeed p31

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Here, he has mentioned the reasons in detail. We present them in brief.

1. In order to understand *Shari'ah*, it is imperative that we must rely on the predecessors. But that can be done if we have learnt of them with a correct chain of transmission or find them recorded in well-known books, and the latter day *ulama* must have written explanations on them, and determined the meaning applicable if their sayings are open to many meanings. Besides, sometimes, a *mujtahid's* sayings may seem general but they refer to a particular, specific conditions, so, it is necessary, that scholars of that school of thought have explained that. The causes of the commands, too, must be explained. So, till these things are done, the *mujtahid's* sayings cannot be relied upon. In our times, these conditoins are met only in the case of the four schools of thought, only the *Imamiyah* and the *Zaydiyah* are excepted, but they are innovators (Rawafid) and thus not relied upon.

2. The Prophet ﷺ said:

اِتَّبِعُوا السَّوَادَ الأَعْظَمَ

Follow the Sawad A'zam

So, when the *Sawad a'zam* of all the *mazhabs*, except the four, are extinct, the following of the four *mazhabs* is the following of the *Sawad a'zam*. And to stay out of them is to oppose them.

3. If we permit reasoning on the sayings of a *mujtahid* outside these four *mazhab* the evil *ulama* will, in obedience to their base desires, issue edicts and ascribe them an ancient *mujtahid*. Therefore, there is no risk in following the *mazhab* of an *imam* whose sayings have been explained by a large number of *ulama*, otherwise there is risk (of an occasional *mujtahid's* sayings being misinterpreted).[1]

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[1] Aqd ul-Jeed pp31-33

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DIFFERENT LEVELS OF *TALQEED*

There are different levels of taqleed depending on different people making talqeed. The commands of each level are different and if the levels are not distinguished then many evils arise. The objections raised on taqleed by those who are not muqallid generally arise because the different levels are either not understood or ignored totally. So, we write on the levels in some detail.

والله الموفق للحق والصّواب

Taqleed of The Masses

This is the first level of taqleed. By masses, we mean:

(i) Those who are completely unaware of the Arabic language and the Islamic sciences though they may be well educated and adept in other sciences.

(ii) Those who though they know Arabic and can understand Arabic books, but have not acquired knowledge of tafseer, Hadith, *fiqh* and related religious matters from a teacher in a proper way.

(iii) Those who though they have accomplished Islamic sciences formally but have not gained proficiency in tafseer, Hadith, *fiqh* and their fundamentals, nor do they have insight in them.

These three kinds form the masses and are governed by a uniform command.

They have no option but to make an unquestioned *taqleed*. They have no qualification and ability to judge

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directly from sources, so they have to attach themselves to a *mujtahid* to learn the rulings of *Shari'ah*.

Allamah Khateeb Baghdadi رحمة الله عليه writes:

اما من يسوغ له التقليد فهو العاميّ الذى لايعرف طرق الاحكام الشرعية فيجوز له ان يقلّد عالماً ويعمل بقوله...... ولانه ليس من اهل الاجتهاد فكان فرضه التقليد كتقليد الاعمٰى فى القبلة فانه لما لم يكن معه اٰلة الاجتهادفى القبلة كان عليه تقليدالبصير فيها.

> As for the question, who is allowed to make taqleed, he is of the masses who is unaware of the workings of the injunctions of Shari'ah. It is proper that he practice taqleed of a scholar and conduct himself on his teachings.

...... Then he cites evidence from the Qur'an and Ahadith and writes:

> Also, because such a man is not capable of making *ijtihad*. So, he must make *taqleed* as a blind man makes *taqleed* of one with sight in verifying the *qiblah*, for he has no other means to find the direction on his own. It is, therefore, *wajib* on him to seek guidance from one with eye-sight.[1]

The muqallid of this level should not indulge in argument and evidences. He need only select a mujtahid and rely on him in every matter. In fact, even if he comes across a Hadith that seems to him to contradict his mujtahid imam, he must continue to obey him, telling himself that he has not understood the Hadith or that his imam would have a strong evidence for the difference.

This may seem strange, but the muqallid whom we are discussing has no option but to do this, for, if such a muqallid is allowed to forsake his imam when he comes across such a Hadith then there would be a terrible

[1] Al-Fiqh wal Mutaffaqih Khateeb Baghdadi, p68, Riyadh

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confusion and misguidance. To draw conclusion from the Qur'an and Hadith is a deep science which not everyone can master even if a whole life is devoted to it. The words of a Hadith may seem to mean something but read with the Qur'an and sunnah, an altogether different interpretation is forthcoming. It is my personal experience that many people have gone astray after conducting themselves on their own reading of the Ahadith without first acquiring a deep proficiency in the sciences of the Qur'an and Hadith.

A friend of mine who is a graduate is accustomed to reading books of Ahadith. He often said that he would give up anything from the teachings of *Hanafi mazhab* if he fould a Hadith against that. Accordingly, he once taught another man that ablution is not made void on passing wind unless there is a bad odour with it or it emits a sound. I was there and I understood where he got his material from. Much as I tried to explain, he insisted that he had read a Hadith in Tirmizi. Finally, when I explained to him the Hadith in detail, he did repent that he had been observing that for a long time and had offered *salah* many times without repeating ablution.

He had seen this Hadith in Tirmizi:

عن ابی هریرة ﷺ انّ رسول الله صلی الله علیه وسلم قال لاوضوء من صوت او ریح

Sayyidina Abu Hurayrah ﷺ reported that Allah's Messenger ﷺ said that ablution becomes *wajib* when there is a sound or bad smell.

He also read this Hadith in Tirmizi:

اذا کان احدکم فی المسجد فوجد ریحا بین الیتیه فلا یخرج حتی یسمع صوتاً اویجد ریحاً

If one of you is in a mosque and he feels air passing

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> between his buttocks, he should not go out of the mosque (to perform ablution) till he has heard the sound or felt the bad smell (of the air).[1]

He understood from it that the nullifier of the ablution is a sound or bad odour. But, all the jurists are agreed that this Hadith does not mean that. Rather, the Prophet's saying is for those people who are always in doubt who unnecessarily imagine that their ablution has become void. The meaning is that one must be so sure of it as indeed one is of the sould and bad smell, only when he is that sure the ablution is void. Thus, this meaning is very clear in another version:

اذا كان احدكم فى الصلوٰة فوجد حركة فى دبره احدث اولم
يُحدث فاشكل عليه فلا ينصرف حتى يسمع صوتا اويجد ريحاً

> If one of you is offering salah, and he feels sensation at his back which makes him doubt whether he has blown wind or not, then he must stay there till he hears the sound or smells the odour.[2]

Besides, Sayyidina Abdullah ibn Zayd ﷺ has made it clear that the Prophet ﷺ had spoken these words to a man who was prone to doubts and suspicion, as transmitted in Abu Dawood.

Only one adept in the sciences of Hadith and who considers the different versions of the Hadith can arrive at a proper conclusion. If one looks only at a single hadith or its translation then one can risk being misled, as my friend had been.

If everyone were authorised to go against his imam on seeing a Hadith contradicting him then he might come across this Hadith:

عن ابن عباسؓ قال جمع رسول الله صلى الله عليه وسلم بين الظهر

❶ Tirmizi v1 p31
❷ Abu Dawood v1 p24

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والعصر، وبين المغرب والعشاء بالمدينة من غير خوف ولامطر، قال، فقيل لابن عباسؓ ما اراد بذلک؟ قال: اراد ان لا تحرج امّته

Sayyidina Ibn Abbas ﵄ reported that Allah's Messenger ﷺ without there being fear or rain in Madinah, offered the *Zuhr* and *Asr* salah together and also the *Maghrib* and *Isha salah* together. Sayyidina Ibn Abbas ﵄ was asked, "What did the Prophet ﷺ mean by that?" He said, "His aim was that his *ummah* may not get tied up in difficulty."[1]

Now, anyone might argue that it is correct on this basis to offer the *Zuhr salah* at the time of Asr and *Maghrib* at the time of *Isha* without a compelling reason. He might even argue that he would go against his *imam's mujtahid* whose teachings are different from the Hadith. In fact, none of the scholars interprets this Hadith to allow bringing together two salahs without a valid reason. In the light of the Qur'an and Ahadith, all scholars, to whichever of the four schools of thought they belong, and even those of the *Ahl-Hadith*, see it as a case of combination only in sight.[2] (The *Zuhr* was offered at the very last time of the *salah* and the *Asr* at its very onset so that they appeared to have been offered together).

There are many other examples of this kind where anyone without deep knowledge of the religious sciences can go astray. The ulama insist that if anyone has not pursued religious knowledge in a proper way then he should not study the Qur'an and Hadith without supervision of an expert teacher.

Besides, we have already stated earlier that a *mujtahid* is followed for the very reason that the apparent contradiction in the Qur'an and Hadith may be explained. If there is a seeming difference in the teachings of Imam

❶ Tirmizi 1 p46
❷ Tuhfatul Ahwazi, Mubarakpri, v1 pp166-167

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Abu Hanifah رحمة الله عليه and Imam Shafi'ee رحمة الله عليه on a specific question then neither is that without evidence. *Taqleed* is done only because one who cannot reconcile the variations, attaches himself to the *imam*. There can be different interpretations on a question by two *imams*, but the level of *taqleed* we are discussing now is for a person who is not competent to evaluate the intricacies of evidence and must submit to his imam unflinchingly.

It is just like a man who goes to a lawyer to satisfy his urgue of legal interpretaion, but he will not refer to books on the subjects of jurisprudence. His lawyer may tell him something about law but he subsequently finds a diferent thing in a law book, yet he will continue to trust the lawyer. It is not within everyone's capabilities to extract results from law books. Much competence is required for that. So, in the case of the sciences of the Qur'an and Ahadith, the standard of competence and experience is much higher.

This is why the jurists insist that the masses should seek interpretation of the Qur'an and Hadith from the *ulama*. If a *mufti* happens to give a wrong *fatwa* then he will be a sinner, not the person seeking it, but if this person interprets a Hadith on his own and is wrong and acts on that then he is not excused, for he should have gone to the scholar.

For example, the fast of a person is not invalidated by cupping. If a *Mufti* tells a person who has cupped himself that his fast is invalid and the person eats and drinks on the assumption that he is not fasting anymore that day then the burden falls on the *Mufti* for his mistake. It is stated in *Hidayah* that the man will only have to redeem his fast, not have to make an expiation. The author of Hidayah explains it thus: لان الفتوىٰ دليل شرعىّ فى حقه (because the mufti's ruling is an evidence of Shari'ah for that

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layman).

But, if a layman reads the Hadith that the Prophet ﷺ passed by a man during Ramadan who was cupping his blood and he said:

افطر الحاجم والمحجوم

> The fast of the one who cups and one who is being cupped is invalidated.[1]

He now goes by it and things that his fast is void because he had cupped himself and eats and drinks during the day then, according to Imam Yusuf رحمة الله عليه it is *wajib* for him to make an expiation, because it was *fard* on him to seek a *mufti's* guidance, and he did not discharge his fard. Imam Yusuf رحمة الله عليه said:

لانّ على العامىّ الاقتداء بالفقهاء، لعدم الاهتداء فى حقّه الى معرفة الاحاديث

> It is the duty of a common man that he follow the jurists, because he is not capable of arriving at a correct decision.[2]

In short, the masses have to abide by the *imam mujtahid* in all circumstance. Even if they find a Hadith which contradicts what the *imam* says then they must convince themselves that they cannot fathom it and the *imam* has studied it from all angles. He may have other evidences too. The masses have no option other than this conduct of action, otherwise there would be utter confusion in commands of *Shari'ah.*

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❶ This Hadith is sound but there is another Hadith in Bukhari that the Prophet had himself cupped while he was fasting. There is a Hadith narrated by Abu Sa'eed Khudri in Nasai that he allowed a man who was fasting to get himself cupped. The imams, Abu Hanifah, Shafi'ee, maalik and the consensus of ulama hold that the Hadith (in the text) is abrogated, or he might have seen that man do something that negated his fast. There are other explanations, too. (Tuhfa al-Ahwazi v2 pp24-25)

❷ Hidayah, v1 p226

Taqleed For The Erudite Scholar

He is a scholar who though has not attained the degree of ijtihad, yet has learnt the Islamic sciences from expert teachers and imparts education and writes books under the supervision of leading *ulama* for a long period of time. He is proficient in tafseer, Hadith, *fiqh* and their fundamentals. He is capable of deriving benefit from the worthy predecesors in examining an issue and is well-conversed with their temperament and style and gets to the correct conclusion. Shah Waliullah رحمة الله عليه described him thus:

فصل فی المتبحّر فی المذهب وهو الحافظ لکتب مذهبه ......
من شرطه ان یکون صحیح الفهم عارفاً بالعربیة واسالیب الکلام ومراتب الترجیح متفطناً لمعانی کلامهم لایخفی علیه غالباً تقیید مایکون مطلقاً فی الظاهر والمراد منه المقیّد واطلاق مایکون مقیّداً فی الظاهر والمراد منه المطلق

Mutabahhar fil mazhab (learned deeply in religion) is one who has committed the books of the school of thought (or his imam). He is sound of understanding. He knows Arabic and its nuances and recognises the preferred levels (of the sayings of his imam). He knows well the meanings of the language of the jurists which are apparently absolute with some catch giving a concealed meaning.[1]

Though such a man continues to be a *muqallid* because he has not attained the degree of *ijtihad*, yet he can be a *mufti* of his *mazhab*. His *taqleed* is different from that of the masses in the following respects:

1. He is also aware of the evidences of the religion while the layman is aware of religion alone.

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❶ Aqd al-Jeed p51

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2. Being a *mufti*, he is competent to choose an opinion out of several from his *mazhab* to suit his times and useage or to explain his school of thought. Those issues that are not treated in the books, he is able to explain them in the light of the fundamentals and rules of his mazhab.[1]

3. In certain peculair cases he can adopt the opinion of a *mujtahid* other than his imam and issue rulings thereon. Conditions for these are enumerated in books of fundamentals of *fiqh* and of *fatwa*.[2]

Shah Waliullah رحمة الله عليه said about such a person if he finds a Hadith that contradicts his *imam's* edict and there is no stronger evidence:

اذا وجد المتبحّر فی المذهب حدیثاً صحیحاً یخالف مذهبه فهل
لهٗ ان یاخذ بالحدیث ویترک مذهبه فی تلک المسئلة؟ فی هذه
المسلة بحث طویل واطال فیها صاحب خزانة الرّوایات نقلاً
عن دستور المساکین، فلنورد کلامه من ذلک بعینه

> ...... is it then proper for him to act on the Hadith at the cost of his *mazhab*? There have been long discussions on this subject. We reproduce the words of *Dastur us-Salikeen* as cited by the another of *Khazanatur Riwayat*...... (to the end)

The Shah then mentions that a section of the *ulama* hold that he should not give up his *imam's mazhab* because he has not attained the degree of *jihad*. The *imam* might have observed an evidence which escaped this man. However, a large number of the *ulama* hold that if he has tried to embrace all aspects of the question and its arguments then because of the authentic Hadith, he may ignore the imam's opinion provided the following

❶ Sharah Uqood Rasam al-Mufti, Ibn Aabideen, etc.

❷ Rudd al-Muhtar, Shami, v3 pp190-191, Kitab al-Hudood (ta'zeer), v3 p200, Kitab as-Saraqah.

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conditions are kept in mind:

(1) He is the erudite scholar possessing the attributes mentioned earlier.

(2) The Hadith on which he relies to ignore his imam's opinion is authentic in the eyes of all the ulama because the mujtahids sometimes differ on the authenticity of a Hadith. Those who regard it as Saheeh, act on it but those who consider it to be weak, leave it alone. So if his mujtahid has omitted it then he may have found it weak and for a non-mujtahid it is not proper to act on it.

(3) There is no verse of the Qur'an or hadith with a contradictory meaning.

(4) The meaning of the Hadith is very clear and explicit. It may not have another meaning which is satisfactory. For, often, a Hadith bears many interpretations. The *mujtahid* then selects one meaning with his *ijtihad* insight, so his *mazhab* cannot then be said to contradict the Hadith. In such cases a *muqallid* cannot correctly adopt another meaning because the essence of taqleed is to go by the meaning elected by the mujtahid when the Qur'an and *sunnah* offer more than one meaning. So in making talqeed of the *mujtahid* one is not said to contradict the Hadith.[1]

(5) It is also necessary that the opinion adopted because of the Hadith is not contradictory to the consensus of the four imams.[2] To exit beyond the mazhabs of the four imams pose dangers which we have mentioned previously.

An erudite schoalr may ignore his *imam's* opinion if he meets these conditions. The explanations of the religious leaders are given below.

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❶ These four conditions are found in al-Iqtisad fit taqleed wal Ijtihad, pp34-36 of Mawlana Ashraf Ali Thanwi رحمة الله عليه. Also pp43-44

❷ This condition is derived from Aqd al-Jeed, p58

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Allamah Nawawi رحمة الله عليه said:

قال الشيخ ابو عمرو فمن وجد من الشافعية حديثا يخالف مذهبه نظر ان كملت آلات الاجتهاد فيه مطلقا، او فى ذلك الباب اوالمسئلة كان له الاستقلال بالعمل به، وان لم يكمل وشقّ عليه مخالفة الحديث بعد ان بحث فلم يجد لمخالفته عنه جواباً شافياً فله العمل به ان كان عمل به امام مستقلّ غير الشافعيّ، ويكون هٰذا عذراً له فى ترك مذهب امامه هنا، وهٰذا الذى قاله حسن متعيّن

Shaykh Abu Umar رحمة الله عليه said that if a man of the Shafi'ee school finds a Hadith that is against his *mazhab* then it will be seen if this man meets the conditions of *ijtihad*, or he has the rank of *ijtihad* in this chapter or this affair. Then he may conduct himself according to the Hadith. But though he does not meet the conditions fully yet does not find a thorough answer to the Hadith and he finds it unbearable to oppose the Hadith then too he may act on the Hadith provided another regular imam, besides Imam Shafi'ee has acted on it. This thing will become an excuse for him to leave his imams mazhab in this case.

Allamah Nawawi said that this opinion of Shaykh Umar رحمة الله عليه (Ibn as-Salah) is excellent and must be observed.[1]

Shah Waliullah رحمة الله عليه also adopted this opinion. He said:

والمختار هٰهنا هو قول ثالث، وهو مااختاره ابن الصلاح وتبعه النوويّ وصحّحه

In this issue, the preferred opinion is the third. It is what Allamah Ibn as-Salah رحمة الله عليه has adopted, and

[1] al-Majmoo', Sharah al-Muhazab, v1 p105

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Allamah Nawawi has supported it and called it excellent.[1] (Here, he has reproduced the above text of Allamah Nawawi).

Further, the scholar have debated whether *ijtihad* can be limited or has to be complete, always. A man may not be a *mujtahid* on all *Shari'ah* matters but may specialise on certain issues. Some scholars have rejected such specialisation, but many of them hold that *ijtihad* can be in a limited field Allamah Tajuddin Sabki رحمة الله عليه, for instance wrote:

(والصحيح جواز تجزئ الاجتهاد) بأن تحصل لبعض الناس قوة الاجتهاد فى بعض الابواب كالفرائض بان يعلم أدلته باستقراء منه اومن مجتهد كامل وينظر فيها

Ijtihad can be limited and some people may have ability to make *ijtihad* in some fields, like obligations. They acquire complete mastery over the subject.

Allamah Banani رحمة الله عليه writes in the marginal notes of *Sharah Jami' al-Jawami*:

ان الاجتهاد المذهبى قد يتجزأ، فربما يحصل لمن هودون مجتهد الفتيافى بعض المسائل

Religious ijtihad is acquired sometimes in a limited manner and some such people who are below the rank of mujtahid al-fatya also acquire it.[2]

Allamah Abdul Aziz Bukhari رحمة الله عليه writes in his *Sharah* to usul Fakhr al-Islam Bazdawi رحمة الله عليه:

وليس الاجتهاد عند العامة منصباً لا يتجزأ بل يجوز ان يفوز العالم بمنصب الاجتهاد فى بعض الاحكام دون بعض

Generally the ulama do not regard *ijtihad* as

1. Aqd al-Jeed, p57
2. Marginal notes al-Banani on Jami'al Jawami' v2 pp403-404 (for both)

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undivisible. A scholar may acquire ability of ijtihad in some departments, and not in others.[1]

Imam Ghazali رحمة الله عليه wrote:

وليس الاجتهاد عندى منصباً لا يتجزأ بل يجوز ان يقال للعالم بمنصب الاجتهاد فى بعض الاحكام دون بعض

Ijtihad is ont a subject that cannot be divided and a scholar may have this ability in some fields and not in others.[2]

Allamah Taftazani رحمة الله عليه wrote:

ثم هٰذه الشرائط انما هى فى حق المجتهد المطلق الذى يفتى فى جميع الاحكام، واما المجتهد فى حكم دون حكم فعليه معرفة ما يتعلق بذلک الحکم

These conditions are for a complete mujtahid who is qualified to give fatwa on all issues. As for him who is mujtahid in some fields, he must have knowledge in those fields only......[3]

Mawlana Ameer Ali رحمة الله عليه wrote as its marginal notes:

قوله واما المجتهد فى حكم الخ فلا بدله من الاطلاع علىٰ اصول مقلده لان استنباطه علىٰ حسبها، فالحكم الجديد اجتهاد فى الحكم والدليل الجديد للحكم المروى تخريج

He who is *mujtahid* in specialised fields, it is necessary for him that he should be aware of the fundamentals of deduction of the *imam* he follows, for he will observe them in his deduction. Hence, a new ruling is called *ijtihad fil hukm* and a new evidence for a *mujtahid's* ruling is *takhreej*.[4]

❶ Kashfal -Asrar, v3 p137
❷ Al-Mustasfa, v2 p103
❸ Al-Talweeh ma'l-At-Tawdeeh v2 p118
❹ At-Tawsheeh ala at-Talweeh, p604

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Államah Ibn al-Humam also agreed that *ijtihad* can be divided or specialised. For such a *mujtahid*, *taqleed* is *wajib* in only these issues in which he practices *ijtihad.* His text is:

(غير المجتهد المطق يلزمه) عند الجمهور (التقليد وان كان مجتهداً فى بعض مسائل الفقه او بعض العلوم) ...... (كالفرائض) ...... (على القول بالتجزّى) للاجتهاد: اى يلزمه التقليد بناء على القول بانّ الاجتهاديتجـزأ فيجوز ان يكون شخص مجتهداً فى بعض المسائل دون بعض (وهو الحق) اى القول بالتجزئ وهو الحق، وانه عليه الاكثر (فيما لايقدر عليه من الاحكام) متعلق بالتقليد[1]

Exactly the same thing is written by Allamah Zayn ud-din Ibn Nujaym رحمة الله عليه.[2] However, Allamah Ibn Ameer al-Haj رحمة الله عليه has ruled that the conditions of *ijtihad* are of whole nature and cannot be divided. So it is necessary to acquire them even for partial *ijtihad*. However, the ability to rule in every issue on the evidences can be divided. So, it is possible to have that in some issues, and not in others.[3]

Anyway, in the light of the foregoing, if an erudite scholar has attained limited *ijtihad* in a particular field then he can decide that the ruling of his *imam* is contrary to a certain authentic Hadith. He must conduct himself according to the Hadith. Mawlana Rashid Ahmad Gangohi رحمة الله عليه has written[4] that it is essential for

❶ Tayyassar at-Tahreer v4 p246

❷ Fath at-Ghifar bi Sharahal Manar v3 p37

❸ فما كان من الشروط كليّاً كقوّة الاستنباط ومعرفة مجارى الكلام وما يقبل من الادلة وما يرد ونحوه فلا بدمن استجماعه بالنسبة الى كل دليل ومدلول فلا تتجزأ تلك الأهلية وماكان خاصّا بمسئلة اوباب فاذا استجمعه الانسان كان فرضه فى ذلك الجزء الاجتهاد، At-Taqreer wat Tahreer, Ibn Ameer al-Haj, v3 p294

❹ Sabeel ur Rashid, pp30-31

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every Believer to give up the imam's ruling if it is established to be against the Book and *sunnah*. But, how can the masses know that?

However, Mawlana Ashraf Ali Thanwi's رحمة الله عليه word is the most excellent and final on the subject. We reproduce his full text:

> If a broad minded, intelligent sholar learns through his own investigation, or a layman through such a scholar, provided he is God-fearing, that the preferrable course in an affair is the other (weaker) one then he must see whether it is possible to act there through legal evidence. If so, then he must act on that to protect Muslims from differences. We have support for it in this Hadith. Sayyidah Ayshah رضى الله عنها reported that Allah's Messenger ﷺ said, "You do not know that your people, the Quraysh, reduced the Ka'bah when they rebuilt it from the foundations of Ibrahim." She asked, "O Messenger of Allah! Get it built on that foundation." He said, "I would have done it, if the times of disbelief of the Quraysh had not been so recent. People will wonder that I dismantled the Ka'bah. So, I have not to interfere, here." Observe! Although it was preferrable to have it built on the foundation of Sayyidina Ibrahim عليه السلام, but it was also proper in *Shari'ah* to leave it incomplete, though disinclined, the Prophet ﷺ chose the disinclined course to avoid public unrest and mischief...... It is reported that Sayyidina Ibn Mas'ood رضي الله عنه offered four *raka'at fard* (during a journey). Someone reminded him that he had objected to Sayyidina Uthman رضي الله عنه (for not offering the *qasr*) but he did the same thing. He said, "To do otherwise might have caused mischief." So, though it is qasr that is offered in salah in journey yet he chose the other course to avoid mischief and it seems he regarded that to be allowed. In short, these Ahadith prove that if the disclined course is lawful, it

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is better to choose that (at such times).

However, if there is no support to act on the unpreferred course and giving it up is *wajib* — or doing it would be unlawful — and an authentic hadith supports the preferrable course then one must conduct oneself on the Hadith. *Taqleed* is not then lawful on this question in any way, for, the real religion is the Qur'an and Hadith, and *taqleed* only aims to allow smooth and safe conduct on Qur'an and hadith. When both do not concur, opt for Qur'an and Hadith. To stick to taqleed in these circumstances is the *taqleed* that Qur'an and Hadith have condemned, but, it is not allowed to criticise the *mujtahid* even in one's heart. For, he may not have learnt of this Hadith, or he may have seen it with a weak *sanad* ...... Not having learnt of the Hadith, in no way diminishes his stature, for even the elder Sahabah did not sometimes know of some Ahadith for long and that in no way detracted their scholarly competence......

Similarly, the muqallid must not be criticised for continuing to follow a *mujaddid* of the belief that his opinion does not contradict the Hadith. He does not reject the Hadith and aims to abide by *Shari'ah.*

Again, it is not proper to blame the *muqallid* who ceased to make taqleed for the aforementioned reason. Their difference is handed down by the predecessors. It follows the principles laid down by the ulama: "My *mazhab*, I imagine to be correct with a possibility of mistake; the other *mazhab*, I imagine to be wrong with a possibility of being right." When all are right then why act on only one?......

However, one who opposes in beliefs or condemns the predecessors is outside the folds of *ahl us-Sunnah and jama't.* For, they are those who hold the belief held by the Sahabah while this conduct is against them and it includes one among the pursuers of *bid'ah*

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(innovation) exaggerates *taqleed* and questions the Qur'an and Hadith is like that. Both these kinds must be avoided as far as possible. Also shun debates.[1]

The Mawlana has shown a moderate course which, if acted upon, should end many mutual confrontations of the Muslims.

As we have seen, an erudite scholar may give up an opinion of his imam on the basis of an authentic Hadith under certain circumstances. But, even this partial difference retains him as his muqallid on an overall basis. Hence, many Hanafi jurists have discarded Imam Abu Hanifah's رحمة الله عليه opinions and adopted those of other imams. For instance, Imam Abu Hanifah holds that consuming intexicants in small quantities that do not cause intoxication, but are stimulating, are allowed. But, jurists of his school of thought have differed from him and adopted the majority opinion. Similarly, they differ with him on the question of crop-sharing between landlord and cultivator.

These are examples where all the jurists did not see eye-to-eye with him. There are many examples of individuals differing with him because of a Hadith.

Nevertheless, this issue is very delicate and must be treated with caution. Not everyone is allowed to assume this role. The conditions mentioned must be adhered to strictly.

Taqleed For The Mujtahid in His Mazhab

He is a mujtahid who abides by the method of deduction of the absolute *mujtahid*, and is also qualified to deduce specified issues under that method directly from the Qur'an and *sunnah* and *aathar*. Thus, many such *mujtahids* do differ from their absolute *mujtahid* on many

❶ al-Iqtisad fit taqleed wal ijtihad, pp42-45. Mawlana Thanwi.

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branch commands or their details, but continue to be their muqallid. Examples are: Abu Yusuf رحمة الله عليه and Imam Muhammad رحمة الله عليه in the Hanafi school, Imam Muzani رحمة الله عليه and Abu Thawr رحمة الله عليه among the Shafi'ees, Suhnun رحمة الله عليه and Ibn al-Qasim رحمة الله عليه among the Maalikis, and Ibrahim al-Harabi رحمة الله عليه and Abu Bakr al-Athram رحمة الله عليه among the Hanbalis.

Allamah Ibn Aabideen Shami رحمة الله عليه wrote:

الثانية طبقة المجتهدين في المذهب كابي يوسفؒ ومحمدؒ وسائر اصحاب ابي حنيفةؒ القادرين علىٰ استخراج الاحكام عن الادلّة المذكورة علىٰ حسب القواعد التي قررها استاذهم، فانهم وان خالفوه في بعض احكام الفروع ولكنهم يقلّدونه في قواعد الاصول

This is the next degree of the jurists — *mujtahid* in *mazhab*, for example, Imam Abu Yusuf رحمة الله عليه, Imam Muhammad رحمة الله عليه and other students of Imam Abu Hanifah رحمة الله عليه. They are capable of deduction of commands on the basis of the evidences (from the Qur'an, *sunnah* etc.) according to rules prescribed by their teachers. They may have differed from their *imam* in many details, but they continued to be his muqallid in fundamentals.[1]

Thus the mujtahid in *mazhab* is a muqallid on fundamental issues but a *mujtahid* on branch issues and details.

Taqleed For the Absolute *Mujtahid*

He is one who has all the qualifications for ijtihad and he is able to determine principles of deduction from the Qur'an and sunnah and can deduce injunctions from the Qur'an on the basis of these principles. They are the

❶ Sharah Uqood Rasm al-Mufti p4

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Imams Abu Hanifah رحمة الله عليه, Shafi'ee رحمة الله عليه, Maalik رحمة الله عليه, Ahmad رحمة الله عليه and others. They are *mujtahids* in issues of fundamental and branch natures, but they too have to make a kind of *taqleed*. If the questions are not explained in the Qur'an and authentic Ahadith, they try to locate sayings or deeds of any of the *Sahabah* ﷺ and *Tabi'een* رحمة الله عليهم instead of depending on their own verdics and deduction. If they get a saying or deed then they make taqleed of it. Here are some examples from the first generation.

(1) The base of this procedure the letter of Sayyidina Umar ﷺ to Qadi Shurayh. Imam Sha'bi رحمة الله عليهم said:

عن شريح ان عمر بن الخطابؓ كتب اليه: ان جاءک شئ فى كتاب الله فاقض به، ولا يلتفتک عنه الرجال فان جاءک ماليس فى كتاب الله فانظر سنة رسول الله صلى الله عليه وسلم فاقض بها فان جاءک ما ليس فى كتاب الله ولم يكن فيه سنة من رسول الله صلى الله عليه وسلم فانظر ما اجتمع عليه الناس فخذبه، فان جاءک ما ليس فى كتاب الله ولم يكن فى سنة رسول الله صلى الله عليه وسلم ولم يتكلّم فيه احد قبلک فاختر ایّ الامرين شئت، ان شئت ان تجتهد برايک ثم تقدّم فتقدم وان شئت ان تتأخر فتأخر ولا أرى التأخر الّا خيرا لک

Sayyidina Umar ibn al-Khattab ﷺ wrote to Shurayh: If you get a problem that has an answer in the Book of Allah, judge according to it, do not let personal opinion of anyone cause you to drift. If it is not in Allah's Book, look for it in the sunnah of His Messenger ﷺ and judge accordingly. If it is not there, too, then search for an example on which the earlier people were united, and act accordingly. But, if you do not find an answer in any of them then choose one of

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> two things you like: Make your *ijtihad* and take steps accordingly, but if you wish to retreat from such cases then retreat. And I consider it better for you to retreat.[1]

Shurayh was an absolute *mujtahid*, yet Sayyidina Umar ﷺ gave him advice to practice *ijtihad* as a last resort. We have seen a similar saying of Sayyidina Ibn Mas'ood ﷺ in examples of absolute *taqleed*.

(2) Abdullah ibn Abu Yazeed رحمة الله عليه said:

> **كان ابن عباسؓ اذا سئل عن الامر فكان فى القراٰن اخبربه، وان لم يكن فى القراٰن ، وكان عن رسول الله صلى الله عليه وسلم اخبر به فان لم يكن فعن ابى بكر وعمر فان لم يكن قال فيه برأيه**
>
> Whenever Sayyidina Ibn Abbas ﷺ was asked about something and there was an answer in the Qur'an, he gave that answer. If it was not there then he gave an answer according to the Hadith, but if it was not there and something was known from Sayyidina Abu Bakr ﷺ or Sayyidina Umar ﷺ, then he gave an answer accordingly. If it was not there then he made ijtihad and gave his opinion.[2]

Though he himself was a mujtahid, Sayyidina Ibn Abbas ﷺ first tried to make taqleed of Sayyidina Abu Bakr ﷺ and Umar ﷺ, before attempting his own *ijtihad*.

(3) Here is another Hadith.

> **عن الشعبيّ قال: جاءه رجل فسأله عن شئ، فقال: كان ابن مسعود يقول فيه كذا وكذا، قال: اخبرنى انت برأيک، فقال: الا تعجبون من هٰذا؟ اخبرته عن ابن مسعودؓ ويسألنى عن رأيى، ودينى عندى اٰثر من ذلک، والله لان اتغنى اغنية احبّ الىّ من ان اخبرک برائى.**
>
> Someone came to Imam Sha'bi رحمة الله عليه and asked a

❶ Darami, v1 p55
❷ Darami

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question and he quoted Sayyidina Abdullah ibn Mas'ood's ﷺ saying about it. But the man requested him to give his own opinion, Imam Sha'bi exclaimed to the people, "Are you not surprised at him? I give him the ruling of Abdullah ibn Mas'ood ﷺ and he asks me for mine. My religion is more preferrable to me (than his wish). By Allah! It is better for me to roam about singing than giving my personal opinion (against ibn Mas'ood's ﷺ).[1]

Imam Sha'bi was an absolute *mujtahid* (and a teacher of Imam Abu Hanifah رحمة الله عليه) but he preferred *taqleed* of Sayyidina Abdullah ibn Mas'ood ﷺ to his own *ijtihad*.

(4) Imam Bukhari has transmitted, in a suspended chain, Mujahid's saying about the verse:

وجعلنا للمتقين اماماً

And make us leaders for the God-fearing. (25:74)

ائمة نقتدى بمن قبلنا ويقتدى بنا من بعدنا

(Make us) a community that follows the righteous people who preceded us, and whom those succeeding may follow.

Ibn Hajr رحمة الله عليه said that this is Mujahid's رحمة الله عليه saying which Ibn Jarir رحمة الله عليه and Faryabi رحمة الله عليه and others have reported with a correct chain of transmission. He then reproduced many other *aathar* (companion's ahadith) on the exegesis on this verse and finally quoted Suddi رحمة الله عليه on the authority of Ibn Abu Hatim رحمة الله عليه:

ليس المراد ان نؤم الناس وانما ارادوا اجعلنا ائمة لهم فى الحلال والحرام يقتدون بنا فيه

It does not mean that we should lead the people, but that: O Allah! Make us their imam in the matter of the

[1] Darami, v1 p45

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lawful and the unlawful that they may follow us (make our iqtida).

While Ibn Abu Hatim رحمة الله عليه cited these words of Ja'far ibn Muhammad رحمة الله عليه.

معناه اجعلنى رضا فاذا قلت صدقوانى وقبلوا منّى

Its meaning is: Grant me acceptance of the people so that when I say something, they confirm it and approve what I say.[1]

Anyway, these aathar came up in our discusion, by the way, our real purpose is that Sayyidina Mujahid رحمة الله عليه was a mujtahid. But, he too preferred to follow his predecessors which is an example of following an absolute *mujtahid*. And he liked that his successors should follow his lead which is the example of the general body of *ulama* and laymen.

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❶ Fath ul-Bari v13 pp210-211

DOUBTS & OBJECTIONS ON *TAQLEED*

If our submissions in the preceding pages are borne in mind then most of the objections on taqleed are answered thereby. However, we feel that we must answer particularly those few doubts that rise uninvited in hearts, or the opponents of *taqleed* keep repeating.

Taqleed of Forefathers in The Qur'an

1. The first objection is that the Qur'an has condemned *taqleed*:

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَآ أَنزَلَ اللهُ قَالُوا بَلْ نَتَّبِعُ مَآ أَلْفَيْنَا عَلَيْهِ آبَآءَنَا
أَوَلَوْ كَانَ آبَآؤُهُمْ لَا يَعْقِلُونَ شَيْئًا وَّلَا يَهْتَدُونَ○

> And when it is said to them, "follow that which Allah has revealed", they say, "Nay, we follow that (way whereon we found our fathers." What! Even though their fathers understood not anything, nor were they rightly guided. (2:170)

If what we have said already is pondered over impartially, this doubt is removed automatically. The following of the imams and *mujtahids* is not condemned in this verse. It mentions the basic beliefs and that the polytheists, instead of believing and accepting the truth about tawheed, messengership, and Hereafter, used to forward the plea that they had seen their forefathers on the path they walk on, as though their taqleed was among the

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basic beliefs of religion. Now, we do not hold taqleed to be lawful as a basic belief of religion. It is stated in all books of principles of fiqh that taqleed is not part of belief and basic essentials of religion, for, these things are neither bound to *ijtihad* nor *taqleed*. Allamah Ameer Badshah Bukhari رحمة الله عليه writes in Sharah of *Tahreer al-Usul:*

(فما يحل الاستفتاء فيه) الاحكام (الظنية لا العقلية) المتعلقة بالاعتقاد فان المطلوب فيها العلم (على) المذهب (الصحيح) فلا يجوز التقليد فيها، بل يجب تحصيلها بالنّظر الصحيح)...... (كوجوده تعالىٰ)

> The issues on which it is allowed to seek legal opinion are conjectural commands, not intellectual injunctions concerning beliefs. Absolute knowledge is required there. Accordingly, taqleed is not lawful in basic belifs. Rather, they are to be adopted through correct reasoning, like existence of Allah.[1]

Therefore, the *taqleed* that the verse condemns is also declared unlawful by the *muqallids* of the *imams* and *mujtahids*. Thus, Allamah Khateeb Baghdadi رحمة الله عليه has cited this verse in *Usul Aqaid* while terming *taqleed* as unlawful.[2]

Besides, Allah has condemned taqleed of forefathers for two reasons, (i) They reject Allah's commands and declare that they would not believe in them. And they declare clearly that instead they would believe in what their forefathers believed. (ii) Their ancestors were devoid of understanding and guidance.

However, the taqleed that we talk of is not concerned

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❶ Tayyasir at-Tahreer, v4 p243. At-Taqreer wat-Tahbeer, Ibn Ameer al-Haj, v3 p343

❷ al-Fiqh wal Muttafiqah v2 p66

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with both these reasons. None of those who make this *taqleed* rejects the commands of Allah and His Messenger in order to believe a mentor of his. Rather, he regards his imam and *mujtahid* as an exponent of Qur'an and *sunnah* and acts on the Qur'an and *sunnah* in the light of his explanation. The second reason is also lacking here because no matter how much one may differ with the imams and *mujtahids* on opinions, everyone confirms their high level of intelligence. So, this *taqleed* cannot be co-related with the *taqleed* of the disbelievers.

Taqleed of Ahbar & Ruhban

2. Some people cite the following verse to renounce *taqleed* of *imams* and *mujtahids*:

اِتَّخَذُوٓا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اَرْبَابًا مِّنْ دُوْنِ اللّٰهِ

> They have taken their rabbis and their monks as their Lords besides Allah. (9:31)

However, we have made it clear in the previous pages that taqleed of a mujtahid, or obedience to him, is not as a maker of laws. Rather, he is an exponent of law. He is not bound to be followed. Rather, his explanations are believed and the Qur'an and sunnah are followed.

Mawlana Muhammad Isma'il Salfi رحمة الله عليه commented on my article. He said:

> This is exactly what the Barelvis say, 'We do not regard the grave-dwellers and the Khanqahs as Gods by themselves, but as His deputies or metaphors." Then the route to polytheism is opened through etiquette, respect, wasilah (intermediarie's) intercession, etc."[1]

Now, if the Believers have misused those terms, it does not follow that everyone will misuse them. Allamah

❶ Tahreek Azadi Fikr, p128

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Ibn Taymiyah رحمة الله عليه is not regarded by anyone to be anywhere near the Barelvi cult, but what does he say:

انما يجب على النّاس طاعة الله ورسوله، وهٰؤلاء اولوا الامر الذين امر الله بطاعتهم...... انما تجب طاعتهم تبعاً لطاعة الله ورسوله لا استقلالاً

Obedience to Allah and His Messenger ﷺ is *wajib* for man. And the people in authority (the ulama or the rulers obedience) to whom Allah has commanded, their obedience follows obedience to Allah and His Messenger ﷺ and is (subsequently) wajib — not as a separate entity by themselves.[1]

Ibn Taymiyah رحمة الله عليه has himself differentiated between the terms. Can we say that it is the same phrase as the Barelvis use? The Allamah says elsewhere:

فطاعة الله ورسوله وتحليل ما احلّه الله ورسوله وتحريم ماحرّمه الله ورسوله وايجاب ما اوجبه الله ورسوله واجب علٰى جميع الثقلين الانس والجنّ واجب علٰى كُلّ احد فى كلّ حال سرًّا وعلانية، لكن لمّا كان من الاحكام مالا يعرفه كثير من الناس رجع الناس فى ذلك الٰى من يعلمهم ذلك لانه اعلم بما قال الرسول واعلم بمراده: فأئمة المسلمين الذين اتبعوهم وسائل وطرق وادلة بين الناس وبين الرّسول يبلغونهم ماقاله ويفهمونهم مراده بحسب اجتهاد هم واستطاعتهم، وقد يخصّ الله هذا العالم من العلم والفهم ماليس عند الأخر

It is *wajib* on the *jinn* and mankind in every condition, secretly and openly, that they obey only Allah and His Messenger ﷺ. They should declare as lawful what Allah and His Messenger ﷺ have made lawful. And what Allah and His Messenger ﷺ have made

[1] Fatawa Ibn Taymiyah, v2 p461

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> unlawful, they should declare as unlawful. And that which Allah and His Messenger ﷺ have declared *wajib*, they should regard as *wajib*. However, since there are many commands of Allah and His Messenger ﷺ which many people do not understand, so they turn to such scholars who can teach them the commands of Allah and His Messenger ﷺ because they know better the sayings of the Prophet ﷺ and their true meanings. Hence, the *imams* whom the Muslims follow are actually a *wasilah* (means) path and guide between the people and Allah's Messenger ﷺ. They convey to the Muslims the sayings of Allah's Messenger ﷺ, and according to their *ijtihad* and abilities, explain the Prophet's ﷺ meanings. And sometimes Allah blesses a scholar with such knowledge and understanding which others do not possess.

What more do the muqallids say? The reality of *taqleed* mentioned by us earlier is not a wee bit more than this.

Actually, the terminology is wrong when they are used in a narrow sense. For, otherwise all commands have been passed down through an intermediary. The *muqallid* never believe nor practice that the imams and *mujtahids* are liable to be obeyed *biz-zaat* (in person). We have stated previously that the muqallid:

❶ do not regard taqleed as base of religious belief,

❷ There is no taqleed in commands of Shari'ah that are established by continuous handing down.

❸ There is no need to make taqleed of clearly evidenced text of the Qur'an and *sunnah* and there is no contradictory report.

❹ *Taqleed* is made only when different interpretations are possible from the Qur'an and *sunnah*, so to arrive at a correct conclusion, one may not rely on one's own reasoning but on a *mujahid's*.

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❺ The *mujtahids* are not innocent and free of sins. Rather, they are liable to . verytime they make *ijtihad*.

❻ An erudite scholar may ignore his *mujtahid's* opinion and abide by a Hadith which is authentic and which rejects the mujtahid and there is no other Hadith or report with a contradictory message.

If this procedure is also polytheism and it can be described as raising the ulama to the level of God then perhaps no worldly action can escape this accusation.

Those people who are against taqleed, practice *taqleed* in one way or the other in actuality. Every new born of these people is not a *mujtahid* nor a scholar. Even the .olar does not have competence over every issue of the Book and *sunnah* nor has he gets the time for it. So those among them who are not scholars, do ask guidance from scholars and follow them — make taqleed of them. They have published collections of their edicts which do not have evidences for their conclusions, and, if there are anywhere, a layman cannot determine how far they are authentic, so, he has to rely on their knowledge and understanding and then conduct himself accordingly. This itself is *taqleed*.

As for the scholars of the exgesis of the Qur'an, and the Hadith, can they say honestly that they can extract conclusions and answers for every new problem from the Qur'an and sunnah? Honestly, the answer would be 'no'! They too turn to the works of predecessor ulama, not, of course the books of the Hanafi رحمة الله عليه, Shafi'ee رحمة الله عليه, etc. but of Ibn Taymiyah رحمة الله عليه, Ibn Hazm رحمة الله عليه, Ibn al-Qayyim رحمة الله عليه, Shawkani رحمة الله عليه, and they adopt their findings because they have no time to compare them with their own.

gain, if they do have the time to make a

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comparison, they have no means to evaluate the Ahadith whether it is authentic, weak, etc. except to rely on the earlier scholars in taqleed. Sometimes, they reject a Hadith as weak on the basis of earlier findings for none of which is there ever an evidence with them. Reliance has to be placed on the scholars of this science. Sometimes of two Ahadith which disagree with one another they reject one again because the specialist scholars have rejected it. This entire way of conduct is nothing but *taqleed*. Now, if we ask them if the verse of *surah at-Tawbah* (9:31) quoted above applies to them then they would say surely that they are not following the imams as 'liable to be obeyed' but as experts in the science.

In fact, no aspect of life is without *taqleed* of experts of the sciences. If we were to disallow this without restriction then nothing of the religion and world will ever be done.

Hadith of Sayyidina Adi ibn Hatim رحمة الله عليه

(3) Frequently the following Hadith is presented to denounce *taqleed*:

عن عدیّ بن حاتم قال اتیت النّبی صلی الله علیه وسلّم وفی عنقی صلیب من ذهب فقال یا عدیّ! اطرح عنک هٰذا الوثن، وسمعته یقرأ فی سورة براءة: اِتَّخَذُوْٓا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اَرْبَابًا مِّنْ دُوْنِ اللّٰهِ قال اما انهم لم یکونوا یعبدونهم ولکنّهم کانوا اذا احلّوا لهم شیئا استحلّوا واذا حرّموا علیهم شیئاً حرّموه (رواه الترمذی)

Sayyidina Adi ibn Hatim ﷺ said that he went to the Prophet while he had a golden cross round his neck. He said, "Adi! Throw away this idol," And Adi heard him recite the verse of surah *al-Bara'ah* (at-Tawbah) اِتَّخَذُوْٓا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اَرْبَابًا مِّنْ دُوْنِ اللّٰهِ (They have taken

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their rabbis.....9:31) He then said (in explanation of the verse), "These people never worshipped their rabbis and monks but when their monks and rabbis made something lawful for them, they took it as that and when the monks and rabbis made it unlawful, they took it as that.[1]

However, even this Hadith does not in any way apply to the taqleed of the ulama and mujtahids. The differences are discussed by us under the first objection. We may add here that the *People of the Book* did not in fact regard their Popes as exponents of law but as givers of law and as innocent of all sin and authorised to legislate. The Encyclopaedia Britannica writes about the authority of the Pope:[2]

> Since the Pope holds the highest authority in beliefs and doctrines, his authority is unquestionable. He is in fallible. This authority is then vested in the entire church through him. As a legislator and judge, he enjoys all authority vested in the council of priests.

The pope's innocence is explained again:

> The innocence of the Pope preached by the Roman Catholic Church means that he cannot err when he proclaims a law on beliefs or manners.[3]

How then can we compare the authority vested in the Popes with the taqleed of the Imams and *Mujtahids*? The Britannica goes on to state:

> ❶ The Pope is an authority by himself, while we have clarified already that a *mujtahid's* word is not final in *Shari'ah*. This is part of the definition of *taqleed.*
>
> ❷ The Pope has authority to legislate, but the *mujtahid* cannot and taqleed is not observed on that.

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❶ Tirmizi

❷ This is a paraphrase from the Urdu text, not a direct reproduction from Britannica, v18 pp222-223.

❸ ibid v12 p318

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❸ Christianity regards the Pope as a legislator, but no *muqallid* gives the same rank to a *mujtahid*. He is only an interpretor who explains.
❹ Christians regard the Pope to be infalliable and innocent, but the *imams* and *mujtahids* are as liable to err in *ijtihad* as any.
❺ The Pope has full legal authority over all Christians who cannot demur, but the *muqallids* have choice to ignore oppinions of the *imams* and *mujtahids* in some cases as we have seen earlier.

There is a wide differences between the two. How can the *imams* and *mujtahids* be included in the captioned Hadith. Of course, if anyone transgresses and goes to the limits of the Christians then he will come within the purview of this Hadith for having the same beliefs about imams and *mujtahids* as Christians has for their Popes.

A Saying of Sayyidina Ibn Mas'ood ﷺ

Sayyidina Abdullah Ibn Mas'ood's ﷺ saying is also cited often against *taqleed*:

لا يقلّدن رجل رجلاً دينه ان اٰمن اٰمن واز كفر كفر

Let no one follow another in his religion in such a way that if he believes, he too believes, and if he disbelieves, he too disbelieves.

Obviously, no one permits taqleed of this kind. His words are very clear that he does not tolerate taqleed in belief, and we have also repeated that often. But, as for taqleed of the predecessors to learn injunctions of religion, Sayyidina Ibn Mas'ood ﷺ has said:

من كان مستنًّا فليستـن بمن قد مات، فانّ الحيّ لا تومن عليه الفتنة اولٰئک اصحاب محمد صلى الله عليه وسلم كانوا افضل هذه الامة..... فاعرفوا لهم فضلهم واتبعوهم علىٰ اثرهم تمسّكوا بما

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استطعتم من اخلاقهم وسيرهم فانهم كانوا علىٰ الهدى المستقيم

If anyone has to follow anyone, let him follow those who are dead, because we are not confident of the living that they will never succumb to mischief. They (worthy of being followed) are the Sahabah who are the most excellent people of this *ummah*...... So, you must recognise their esteem and follow their *aathar* and adopt their manners and habits as much as you can, because they were on the right path.[1]

Sayings of The *Mujtahid Imams*

(5) Some people say that the *mujtahid* imams have themselves said that their sayings should not be followed until the evidence is known. "If our opinion is against Hadith, throw it off and follow the Hadith."

However, honestly, these words are directed to those who are capable of making an independent judgement, not those who cannot make *ijtihad.* Shah Waliullah رحمة الله عليه said about such sayings:

انما يتم فيمن له ضرب من الاجتهاد ولو فى مسئلة واحدة وفيمن ظهر عليه ظهورا بيّنا انّ النّبى صلى الله عليه وسلم امر بكذا ونهىٰ عن كذا وانّه ليس بمنسوخ امّا بأن يتتبع الاحاديث واقوال المخالف والموافق فى المسئلة اوبان يرى جمًّا غفيرا من المتبحرين فى العلم يذهبون اليه ويرى المخالف له لا يحتج الّا بقياس اواستنباط اونحو ذلک فحينئذ لاسبب لمخالفة حديث النّبى صلى الله عليه وسلم الا نفاق خفى او حمق جلى

These words apply to him who has ability to make *ijtihad* of some kind and he knows that which the Prophet ﷺ allowed and what he disallowed, and also that this saying is not abrogated. Either he has

[1] Mishkat al-Masabeeh p32 al-I'tisam bil Kitab......

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examined all Ahadith and words of both who disagree and who agree and concluded that there is no evidence of its abrogation or he has observed a large number of learned *ulama* conducting themselves on it. And he is assured that the imam who disagrees with the Hadith, has no evidence except verdicts and deductions. In such cases, disagreement with the Prophet's ﷺ Hadith is either because of concealed hypocrisy or open foolishness, nothing else.[1]

This is very obvious. The imams were asked, all through their lives, and they gave answers without giving reasons. If this was not allowed, in their sight then they would not have done that. Besides, we have many of their sayings whereby they held taqleed necessary for the one who is not a mujtahid. For example:

(i) It is stated in *Kifayah Sharah Hidayah*:

واذا كان المفتى علىٰ هذه الصّفة فعلى العاميّ تقليده، وان كان المفتى اخطأ فى ذلك، ولا معتبر بغيره، هكذا روى الحسن عن ابى حنيفةؒ وابن رستمؒ عن محمّدؒ وبشير بن الوليدؒ عن ابى يوسفؒ

And if the mufti has this quality (that is, mujtahid) then the layman must follow him even if the mufti might err. No one else is reliable. This saying is reported by Imam Hasan رحمة الله عليه from Imam Abu Hanifah رحمة الله عليه, Ibn Rustum رحمة الله عليه from Imam Muhammad رحمة الله عليه and Bashir ibn al-Waleed رحمة الله عليه from Imam Abu Yusuf رحمة الله عليه.[2]

(ii) We have seen this saying of Imam Yusuf already:

على العاميّ الاقتداء بالفقهاء لعدم الاهتداء فى حقّه الىٰ معرفة الاحاديث. [3]

(iii) Allamah Taymiyah رحمة الله عليه wrote about Imam

❶ Hujjatullah al-balighah v1 p155

❷ Source: Khayr at-Tafiyyid

❸ Hidayah, v2 p226

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Ahmad ibn Hanbal رحمة الله عليه:

ويأمر العاميّ بأن يستفتي اسحٰقؒ وابا عبيدؒ واباثورؒ وابا مصعبؒ
وينهى العلماء من اصحابه كابى داؤد وعثمان بن سعيد وابراهيم
الحربى وابى بكر الاثرم وابى زرعة وابى حاتم السجستانى
ومسلم وغير هٰؤلاء ان يقلّدوا احدا من العلماء ويقول عليكم
بالاصل بالكتاب والسنة

Imam Ahmad instructed the common people to learn the rulings from Imam Ishaq, Abu Ubayd, Abu Thawr and Abu Mus'ab رحمة الله عليهم. And, he disallowed those of his companions who were scholars from making taqleed of anyone. They were Imam Abu Dawood, Uthman ibn Sa'eed, Ibrahim al-Harabi, Abu Bakr al-Athram, Abu Zar'ah, Abu Hatim Sajistani and Imam Muslim رحمة الله عليهم. And he instructed them that it was wajib for them to turn to the Book and sunnah.[1]

It is very clear from this text of Ibn Taymiyah رحمة الله عليهم that the mujtahids who disallowed *taqleed* had actually disallowed those of their students who were by themselves great scholars of Hadith and expert jurists and were fully qualified to make *ijtihad*. As for those who were not *mujtahid*, not only did they not disallow them but instructed them to follow the *mujtahids* named. In fact, only the *mu'tazallah* opposed *taqleed* even by those who were not mujtahids. Allamah Sayfuddin Aamdi رحمة الله عليه said:

العاميّ ومن ليس لهٗ اهلية الاجتهاد وان كان محصّلاً لبعض العلوم
المعتبرة فى الاجتهاد يلزمه اتباع قول المجتهدين والاخذ بفتواه
عندالمحقّقين من الاصوليين ومنع من ذلك بعض معتزلة
البغداديّين

1 Fatawa Ibn Taymiyah v2 p240

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It is *wajib* for the common people and those who have studied some reliable sciences on *ijtihad* but have not qualified to make *ijtihad* to follow the sayings of the *mujtahids* and act on their rulings...... but some *Mu'tazalah* of Baghdad disallow.[1]

After stating that the *non-mujtahid* masses are bound to make *taqleed*, Allamah Khateeb Baghdadi رحمة الله عليه writes:

وحكى عن بعض المعتزلة انه قال لا يجوز للعامى العمل بقول العالم حتى يعرف علة الحكم...... وهذا غلط لانه لا سبيل للعامىّ الى الوقوف علىٰ ذلك الا بعد ان يتفقه سنين كثيرة ويخالط الفقهاء المدة الطويلة ويتحقق طرق القياس ويعلم ما يصحّحه ويفسده وما يجب تقديمه علىٰ غيره من الادلّة وفى تكليف العامة بذلك تكليف مالا يطيقونه ولا سبيل لهم اليه

It is ascribed to some Mu'tazallah that even a layman cannot observe the sayings of a scholar until he knows the reasoning behind the instructions...... But this idea is very wrong. For, the layman has no way to know the reasoning unless he acquires knowledge of fiqh for years together, keeps company of the jurists for long times, studies the methods of qiyas...... all people cannot undertake this task.[2]

The area where the *mujtahids* differ is whether one who is qualified to make *ijtihad* may make *taqleed*. Khateeb Baghdadi رحمة الله عليه has cited Sufyan Thawri رحمة الله عليه that even such a man may make *taqleed*, while Imam Ahmad رحمة الله عليه has said that he may make *taqleed* of one more learned than him.[3] Ibn Taymiyah رحمةالله عليه has cited Imam Muhammad رحمة الله عليه that a

❶ Ahkam ul Ahkam v4 p195. Al-Mustasfa, Imam Ghazali v2 p124
❷ Al-Faqih wal-Mutaffaq, v2 p69
❸ ibid v2 p69

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mujtahid is allowed to make *taqleed* while Imam Shafa'ee رحمة الله عليه and Imam Ahmad رحمة الله عليه say that he is not allowed at all.[1] Mawlana Abdul Hayyi Lakhnawi رحمة الله عليه has cited Imam Abu Hanifah رحمة الله عليه in the account of Imam Halwani رحمة الله عليه:

وقد روى عن الامام الاعظمؒ جواز التقليد المجتهد بمن هو اعلم منه

For a *mujtahid, taqleed* of a scholar greater than him is allowed.[2]

The books on principle of fiqh generally treat the subject exhaustively.[3] Though the *mujtahid* imams differed on whether a mujtahid may make taqleed, yet, except for some mu'tazallah, they all agree that one who is not a mujtahid must necessarily make *taqleed.*

How may a Layman Recognise the Mujtahid

(6) We have stated in the beginning that taqleed, whichever of the two kinds you consider, is nothing more than to ask one who is an adept in the science of Qur'an and sunnah and whose understanding, insight and juristic knowledge is reliable, that one who is incapable may know.

Some people wonder how an ignorant seeker will distinguish an adept imam?[4] Let us suffice by reproducing Imam Ghazali's text on the subject.

فان قيل...... العامى يحكم بالوهم ويغتر بالظواهر وربما يقدم المفضول على الفاضل، فان جاز ان يحكم بغير بصيرة فلينظر فى نفس المسئلة وليحكم بما يظنه، فلمعرفة مراتب الفضل ادلة

❶ Fatawa Ibn Taymiyah, v2 p240
❷ At-Ta'leeqat us-Sunnah
❸ Fawatihur Rahumat, p220, al-Mustafa, v2 p121, etc.
❹ Tahreek-e- Azadi Fikr, Mawlana Salfi رحمة الله عليه p13

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غامضة ليس دركها من شأن العوام؟ وهٰذا سؤال واقع. ولٰكنا نقول: من مرض له طفل وهو ليس بطبيب فسقاه دواء برأيه كان متعدّياً مقصّراً ضامنا، ولو راجع طبيباً لم يكن مقصّراً، فان كان فى البلد طبيبان فاختلفافى الدواء فخالف الا فضل عُدّ مقصّراً، ويعلم فضل الطبيبين بتواتر الاخبار وباذعان المفضول له وبتقديمه بامارات تفيد غلبة الظن فكذالک فى حق العلماء، يعلم الا فضل بالتّسامع وبالقرائن دون البحث عن نفس العلم، والعامىّ اهل له فلا ينبغى ان يخالف الظن بالتشهى، فهذا هو الاصح عندنا والأليق بالمعنى الكلّى فى ضبط الخلق وبلجام التقوىٰ والتكليف

Anyone may argue that the layman judges on doubts and can be deceived into raising the inferior over the superior and if he is able to decide then why can he not judge the actual issue? Deep reasoning is required to recognise the ranks of knowledge and excellence which a layman does not possess. Let us answer this with an example. The son of someone, who is not a physician, is ill. If he treats the child himself then certainly he is cruel, careless and responsible for his conduct. But, if he approaches a physician then he is no longer to blame. But, if there are two physicians in his locality and he opts for the lesser recognised then he is to blame. A common man can know of the ability of physicians from the recognition accorded to him by the masses and he is the talk of the town. The lesser known physicians generally respect the senior among them and there are other signs too.

The same thing works with the ulama. The sernior is more well-known...... Thus if a layman finds a scholar of this kind then it is not proper for him to oppose him

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> to satisfy his personal whims. This is a correct approach and more reasonable to keep Allah's creation in check and to guide them to taqwa and to abide by *Shari'ah.*[1]

Is Taqleed a Defect

(7) We have established in the beginning of the book that even the *Sahabah* ﷺ observed taqleed. Those of them who could not make ijtihad turned to the more learned among them. Some people alleged that taqleed was a defect created by poor knowledge, so to say that the Sahabah practiced taqleed is to find fault with them (we seek refuge in Allah from such thought). "They were all learned and there was no difference among them of jurist and non-jurist."[2]

However, this downpour is emotional. If anyone is not a jurist or *mujtahid* then that is not a defect. The Qur'an says:

إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ

> Surely the noblest among you in the sight of Allah is the most pious of you. (49:13)

It did not use the word اعلمكم (more learned of you), or افقهكم (more able to understand). Thus if a person measures correctly on the scale of taqwa (righteousness) then he has not a little bit of defect from the religious point of view though he may possess nothing of *fiqh* and *ijtihad.*

All the Sahabah ﷺ without exception, had attained the real excellence in religion that taqwa is. This is why they are known as خير الخلائق بعد الانبياء (the best of creatures after the Prophets عليهم السلام). However, to say that all of them were equal in knowledge is to contradict the Qur'an and

❶ Al-Mustasfa; v2 p126

❷ Tahreek Azadi-Fikr pp133-135

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Hadith.

فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ طَآئِفَةٌ لِّيَتَفَقَّهُوْا فِى الدِّيْنِ وَلِيُنْذِرُوْا قَوْمَهُمْ اِذَا رَجَعُوْٓا اِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُوْنَ (التوبة: ١٢٣)

Why, then, should not of every section of them, a party only go forth, that they may become learned in (the knowledge of) religion, and that they may warn their people when they return to them, that they may be aware? (33:122)

The verse instructs the Sahabah ﷺ that a section of them must engage in jihad while another in learning. This verse is evidence that some of them engaged in jihad instead of acquiring knowledge, at Allah's command. Thus Allah Himself created difference in the Sahabah in the field of knowledge and to consider it a defect is something from which we must seek Allah's refuge.

We have also explained in the earlier pages the verse of surah an-Nisa:

لَعَلِمَهُ الَّذِيْنَ يَسْتَنْبِطُوْنَهٗ مِنْهُمْ

then those among them who can search the truth about it would have known...... (6:83)

Thus, the Qur'an has called some of them, 'qualified to deduce.' It commanded some others to refer to those 'qualified to deduce.' So, this difference is known from the Qur'an.

Further, this is the well-known saying of the Prophet ﷺ:

نَضَّرَ اللّٰهُ عَبْدًا سمع مقالتى فحفظها ووعاها واداها فربّ حامل فقه غير فقيه، وربّ عامل فقه الٰى من هو أفقه منه

May Allah brighten the man who hears my saying, memorises it, retains it and passes it on to others. For, there are some who though they bear knowledge, are

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not learned, and some who bear it but convey it to one more learned than they.[1]

The Sahabah are addressed in this saying. Two things are clear from it: A narrator of Hadith can be one who is not learned, and, that is not a defect because the Prophet ﷺ has prayed that Allah may brighten him!

So, different kinds of people benefitted from the companionship of the Prophet ﷺ. They included people like Sayyidina Abu Bakr ؓ and Umar ؓ, and like Sayyidina Aqra', ibn Habis ؓ and Salamah ibn Sakhrah ؓ, the pious and simple villagers. As far as these simple, village-dweller Sahabis are concerned, they had the honour of the Prophet's ﷺ company, and also were righteous and pure and excellent. Thousands of learned people after them — even the greatest of *mujtahids* — cannot even touch their high station. But, it is to deny obvious facts, if we try to place them in the same row as Sayyidina Abu Bakr ؓ, Umar ؓ, Ali ؓ, Ibn Mas'ood ؓ and other jurists among the Sahabah ؓ. This is why, of the a hundred and twenty four thousand Sahabah ؓ, according to Ibn Qayyim رحمة الله عليه, rulings of only a little over a hundred and thirty are preserved.[2]

And, of course, it is very for-fetched to say that it was against their standing to make taqleed of anyone. They were the people who never hesitated to derive benefit from anyone in matters of religion. We have already cited examples of Sahabah making taqleed of one another. They were so unselfish and God-fearing that some of them did not even feel shy of making *taqleed* of the *tabi'een* and asking them questions on religious matters. Alqamah ibn Qays Nakh'ee رحمة الله عليه was a student of Sayyidina ibn

❶ Ahmad, Tirmizi, Abu Dawood, Ibn Majah, Darami as narrated by Zayd ibn Thabit. (Miskhat al-Masabeeh, Book of knowledge)

❷ I'lam ul-Muqi'een, Ibn Qayyim, v1 p9

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Mas'ood ﷺ. He was a tabi'ee, but many Sahabah ﷺ approached him for knowledge.[1]

Hence, it is not a correct approach to reject the examples of taqleed by the Sahabah on the impression that it is a blot on their name.[2]

Taqleed of Individual & Base Desires

(8) We have seen earlier that both kinds of taqleed are lawful, but as standards of sincerity lowered, the door to base desires opened up in taqleed of the absolute nature. The ulama so ruled that only taqleed of an individual must be practiced, henceforth.

Some people raised strange objections to that.

> Most of the people in Pakistan are Hanafis ... the management of clubs of enjoyment are in the hands of the Hanafis. If taqleed of an individual is cure for base desires then why is this tool of base desires found every where?[3]

My humble submission is that if a man has resolved to disobey and knowingly commits sin then the cure for his base desires lies neither in taqleed nor in giving up taqleed. We do not discuss this kind of base desires here, but we are concerned here with the very serious base desires to legalise the unlawful things like interest, wine, gambling, forsaking the veil. They try to give these things a Shari'ah cover and the whole world of Islam is engulfed in it. The names of ijtihad and freedom of thought are heard on every tongue. They try to prove their point by

1. Tuzkarat ul-Huffaz, Zahabi, Hilyat ul-Awliya, Abu Nu'aym.
2. Our aim in this discussion is to show that there is nothing wrong in distinguishing between the learned and unlearned Sahabah. But, as for the principle of Qadi Eesa ibn Abban, and others, not to accept a narration of an unlearned Sahabi if it is contrary to independent judgement, the scholars vehemently reject this principle. However, this is a different field unrelated to our subject.
3. Tahreek Azadi Fikr p146

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references to the Qur'an and Hadith. All of them have declared taqleed of individual as unlawfu, for it is this taqleed that has shut the door to ijtihad of this kind. They have gained great support from the propaganda that taqleed of the imams is haram. Everyone is appropriating the right to practice *ijtihad* and commits a grave wrong on the Qur'an and *sunnah*.

Taqleed & New Issues

(9) Another objection to Taqleed of an individual is that it impedes progress and presents no solution to new problems.

We have pointed out earlier that the *taqleed* of an erudite scholar is not the same as that of the layman. Taqleed of the individual allows for ijtihad in issues. If no answer is found in a mujtahid's rulings, then his principles should be used to deduce conclusion from the Qur'an and sunnah. This ijtihad can be done in spite of taqleed of an individual. So, there is no impediment, at all.

Besides, the ulama can contemplate over the changing issues resulting from changing times and usages. They can also issue rulings based on principles of other mujtahids on conditions laid down in relative books. Thus, the Hanafi ulama have given rulings of this kind on many present days issues, like salary for teaching the Qur'an, the dissolution of marriage of a missing man's wife, and so on. Mawlana Ashraf Ali Thanawi رحمة الله عليه has elaborated it in *Al-Hilyat ul Najizah lil Hilyat ul Aajizah*.

The ulama can find solutions to modern day problems from the four schools of thought. However, they should not borrow parts of principles but observe the whole lot of them with their conditions. The ulama of that school of thought must be consulted as was done when al-Hilyat

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un-Najizah was being compiled. The ulama should have mutual consultations rather than rely on individual opinions.[1]

Hanafis & Observance of Hadith

(10) It is also argued that the Hanafis rely on weak Ahadith. But, this is wrong. The correct answer is that their books must be examined to find out the truth. The following are some of those books.

(i)	Sharah Ma'ani al-Aathar,	Tahawi	رحمة الله عليه
(ii)	Fath al-Qadeer,	Ibn Numan	رحمة الله عليه
(iii)	Nasb ar Rayah,	Zayl'ee	رحمة الله عليه
(iv)	Al-Jawhar an Naqi,	Mardini	رحمة الله عليه
(v)	Umdatul Qari,	Ayni	رحمة الله عليه
(vi)	Fath alMulhim,	Uthmani	رحمة الله عليه
(vii)	Bazlal Jamhud,	Saharanpuri	رحمة الله عليه
(viii)	A'la us Sunan,	Zafar Ahmad Uthmani	
(ix)	Ma'arif us-Sunan,	Banori	
(x)	Fayd ul-Bari Sharah Saheeh Bukhari		

Nevertheless, we do point out some basic points in brief.

(1) It is not necessary that the Saheeh (authentic) Ahadith are found only in *Bukhari* and *Muslim*. The authenticity of a Hadith depends on its line of transmission and the principles of Ahadith. Hundreds of Scholars have collected Ahadith apart from *Bukhari* and *Muslim* and every Hadith that meets the standard is authentic. Sometimes, a Hadith in any other book outranks the standard of *Bukhari* and *Muslim*, like *Ibn Majah* which is otherwise ranked sixth among the *saheeh* six

1. The conditions on which fatawa may be issued on the principles of other mujtahids and their examples, may be seen in Radd al-Muhtar, v2 p556, Kitab ash Shahadah v4 p420, Kitab ul Hudood p218, Fatawa Alamgiriya, v3 p275, Hilyat unNajizah...... Faid ul Qadeer Sharah Jami' as-Sagheer, v1 p210

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books.

If a Hadith measures up to the standards, then even a Hadith in a book other than the Sahah Sittah is authentic. If this is understood, then many objections against the Hanafi school of thought are removed.

(2) The differences of opinion that we see among the mujtahids is primarily because the manner of deduction of each of them varies. Some reply on the sanad when they have to choose from Ahadith of different apparent conclusions. Some others reconcile the Ahadith while some mujtahids choose the Hadith on which the Sahabah conducted themselves. So, every mujtahid has a different approach and none of them can be accused of neglecting the authentic Ahadith. Generally, Imam Abu Hanifah tried to reconcile the Ahadith and to observe all of them as far as possible. He even relied on weak Ahadith if there was no conflictig report, notwithstanding disagreement with *qiyas*, for example, ablution is nullified by laughing, obligatory nature of zakah on honey, and so on.

(3) There is ijtihad on deciding whether a Hadith is sound or weak. And different imams have different results. Thus, Imam Abu Hanifah may regard a Hadith worth following while another mujtahid may classify it as weak.

(4) Often a Hadith was received by Imam Abu Hanifah with a sound line of transmission, but a narrator after him may turn out to be weak, so the mujtahids after him who get the Hadith may reject it. Hence, he cannot be blamed for that.

(5) A scholar may classify a Hadith to be weak on the basis of the line of transmission through which he received it. But the same Hadith may turn out to be sound through another line of transmission, like:

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من كان له امام فقراءة الامام له قراءة

(He who follows an imam......) has been rejected by some scholars because of its line of transmission. But it is found with a very sound line of transmission in Musnad Ahmad ibn Manee' and Kitab ul-Aathar.

(6) Sometimes a Hadith is weak in its sanad, but since it has been transmitted by many chains of transmission and many narrators have reported it from different areas, it is accepted and acted upon.

(7) Sometiems a Hadith is weak because of a weak narrator. It is not necessary that every weak narrator is always wrong. So, if other strong evidences point out to its strength then it is accepted. For instance, all the Sahabah and the tabi'een may have acted on it which is a strong evidence that it is authentic, example is the Hadith لا وصية لوارث which the the scholars have confirmed. Sometimes, such a Hadith is even preferred over a Hadith with a weak sanad, for instance:

Sayyidah Zaynab رضی الله عنها, the daughter of the Prophet ﷺ was married to Abul Aas who was a disbeliever in the beginning, but became a Muslim later on (ؓ). There is a difference of opinion whether the Prophet ﷺ retained the earlier marriage or had them remarried. Sayyidina Abdullah ibn Umar ؓ reported that the Prophet ﷺ had them remarried and fixed a fresh dower for the bride, but Sayyidina Ibn Abbas ؓ reported that he retained their earlier marriage. The first version is weak while the second is authentic, but a scholar of the calibre of Imam Tirmizi has preferred the first because of the acceptance of the Sahabah ؓ.[1]

Accordingly, Imam Abu Hanifah رحمة الله عليه, too, relies

[1] Tirmizi (Kitab un-Nikah, Chapter on one spouse is disbeliever). This example is presented on the basis of Imam Tirmizi principle. The stand point of the Hanafis is different.

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on a weak hadith when there are strong evidences. Therefore, we must not criticise him for that.

(8) Sometimes, effort is not made to understand Imam Abu Hanifah's رحمة الله عليه school of thought. Some scholars too have made this mistake, like the Ahl Hadith scholar, Mawlana Muhammad Isma'il Salfi رحمة الله عليه argues against the Hanafi point of view on progressing from one posture to another in salah. He writes:

> The Ahadith tell us that a man offered his salah in the presence of the Prophet ﷺ. He did not make the ruku (bowing posture) and sajdah (prostration) carefully. The Prophet ﷺ told him three times: صل فانک لم تصلی (Offer your prayer, for, you have not offered it). It is on the basis of this Hadith that the Ahl-hadith and the Shafi'ee hold that if anyone does not perform these postures with composure then his salah is invalid. The Hanafi say, "After knowing the meaning of *ruku'* and *sajdah*, we do not accept the explanation of the Hadith and rejection of the salah.[1]

But, this is a wrong representation of the Hanafi principle. They also hold that if *ruku* and *sajdah* are not observed with composure, the salah will have to be repeated. However, there is a difference between *fard* and *wajib* in the Hanafi thought, while the other imams do not differentiate between the two words. Imam Abu Hanifah رحمة الله عليه holds that the fard of the salah are known from the Qur'an and continuous Ahadith, like the *ruku'*, *sajdah*, and so on. The *wajib* are what are known by ahad sources (single narrator, or single chain of narrators). In practice there is no difference in the two terms. If a fard is omitted, the salah has to be repeated and if a wajib is skipped, the salah is repeated; but, there is the difference in idea that the worshipper is said to be one who has neglected salah

❶ Tahreek Azadi Fikr p32

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when he omits the fard and will attract the commands applicable to such persons. When he omits a *wajib*, he will not be called a neglector of salah but neglector of only one wajib of *salah*. In other words, his fard *salah* is discharged but it is *wajib* on him to repeat the salah. This does not contradict the Hadith. Rather, it is explained at the end of the same Hadith.

It is stated in *Tirmizi* that the Sahabah found it hard that one who lightens his salah should be termed neglector of salah. But, when the Prophet ﷺ showed the man the correct way to perform salah and to be careful while progressing from posture to posture, he said:

فاذا فعلت ذلک فقد تمّت صلوتک وان انتقصت منه شيئا انتقصت من صلاتک

When you do that your salah will be perfect, but if you diminish then there will be imperfection in your salah.

Sayyidina Rifa'ah the narrator of this hadith said:

وكان هذا آهون عليهم من الاولٰى انه من انتقص من ذلک شيئا انتقص من صلاته ولم تذهب كلها

And this thing seemed easier for the Sahabah than the first that diminishing from these things will diminish from the salah but not make it invalid.[1]

This shows that the aforesaid accusation against the Hanafis is wrong.

A mujtahid may differ from the conclusions of Imam Abu Hanifah رحمة الله عليه. But, he should not term his entire school of thought to be weak, or accuse him of preferring qiyas to Hidayah.

Many scholars have praised Imam Abu Hanifah رحمة الله عليه. However, we reproduce some comments of a great Shafi'ee scholar who is the imam of sciences of the Qur'an,

1 Tirmizi

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Hadith, Fiqh and tasawwuf, Shaykh Abdul Wahab Sha'rani Shaf'ee رحمة الله عليه. He is not a Hanafi but he has rejected those who have labelled charges against Imam Abu Hanifah رحمة الله عليه and even wrote about it in his book *al-Meezan al-Kubra*. He wrote:

اعلم ياخي انى لم اجب عن الامام فى هذه الفصول بالصدور احسان الظن فقط، كما يفعل بعضهم وانما اجبت عنه بعد التتبع والفحص فى كتب الادلة...... ومذهبه اول المذاهب تدوينا واٰخرها انقراضاً كما قاله بعض اهل الكشف:..... وقد تتبعت بحمد الله اقواله واقوال اصحابه لمّا الّفت كتاب ادلة المذاهب، فلم اجد قولاً من اقواله او اقوال اتباعه الّا وهو مستند الٰى اية اوحديث او اثر او الٰى مفهوم ذلك، اوحديث ضعيف كثرت طرقه او الٰى قياس صحيح علٰى اصل صحيح، فمن ارادا لوقوف علٰى ذلك فليطالع كتابى المذكور

Know that in these chapters, I have not spoken in favour of Imam Abu Hanifah رحمة الله عليه out of a sentimental attachment as is the custom with many people. Rather, I have responded on his behalf after examining his books thoroughly...... His mazhab is the first of all the schools of thought to be compiled and arranged and according to some inspired people it will be the last to be taken away...... while writing a book on the reasoning of the juristic schools of thought, I read his and his students sayings and opinions and I did not find any of them not based on one of the following legal arguments or on a Qur'anic verse or on a Hadith, or a weak Hadith transmitted by many chains of transmission, or a correct *qiyas* drawn from an authentic source. Anyone who wishes to know more may study this book of mine.[1]

❶ Al-Meezan al-Kubra v1 pp63-64. Sha'rani, Cairo

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He devotes a whole chapter to repudiate those who acuse Imam Abu Hanifah رحمة الله عليه of preferring *qiyas* to Hadith:

اعلم ان هٰذا الكلام صدر من متعصب على الامام متهوّر فى دينه غيرمتورّع فى مقاله، غافلا عن قوله تعالىٰ، إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَٰئِكَ كَانَ عَنْهُ مَسْئُولًا ○ الخ

Only those say such things who bear malice towards Imam Abu Hanifah. They are bold concerning their religion and not careful in what they say. They ignore Allah's saying:

إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَٰئِكَ كَانَ عَنْهُ مَسْئُولًا ○ الخ

Surely the hearing and the sight and the heart — all of these shall be questioned of. (17:36)

He also relates in his book that Sayyidina Sufyan Thawri رحمة الله عليه, Maqatil ibn Hayyan رحمة الله عليه, Hammad ibn Salamah رحمة الله عليه and Ja'far Sadiq رحمة الله عليه visited Imam Abu Hanifah رحمة الله عليه and asked him about the accusations against him. He said, "It is not only the Qur'an and Hadith, but even the *Aathar* of the Sahabah, after which I use *qiyas*." He explained to them his view-point from morning till *Zuhr* when they took leave saying.

انت سيد العلماء فاعف عنا فيما مضى منا من وقيعتنا فيک بغير علم

You are the chief of the ulama. Do forgive us for the misgivings we had harboured about you without knowledge.

Imam Sha'rani رحمة الله عليه also created a chapter on rejection of accusations that Imam Abu Hanifah's رحمة الله عليه most arguments are weak. He also created another chapter to establish that his school of thought is the most careful

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from a religious point of view. He wrote therein:

فانی بحمد الله تتبعت مذهبه فوجدته فی غاية الاحتياط والورع

...... I have found it on the extreme limits of taqwa and carefulness.

Imam Abu Hanifah & Knowledge of Hadith

(11) He is also accused of having few Ahadith, or a weak knowledge of Hadith.

This baseless accusation follows from lack of proper knowledge and prejudice. In fact, great scholars agreed that he was excellent in the science of *fiqh* and the science of Hadith too. They are not only the Hanafi ulama but also ulama of other schools of thought. We present remarks of some of them.

1. Ibn Jurayj رحمة الله عليه was a great scholar of Hadith and *fiqh*. Imam Shafee's mazhab derives mostly from him. Ibn Hajar رحمة الله عليه said about him that when he learnt of Imam Abu Hanifah's رحمة الله عليه death he was greatly pained and said: ای علم ذهب (what a knowledge has departed!)[1]

2. Makki ibn Ibrahim رحمة الله عليه was a teacher of Imam Bukhari رحمة الله عليه. He was a student of Imam Abu Hanifah رحمة الله عليه. His words about him are quoted by Hafiz Muzzi رحمة الله عليه in *Tahzeeb ul-Kamal*:

كان اعلم اهل زمانه

He was the greatest scholar of his times.[2]

We must remember that the predecessors spoke of ilm (knowledge) to imply knowledge of Hadith. So these testimonies are concerning his knowledge of Hadith.

3. Sha'bah ibn al-Hujjah رحمة الله عليه was called the

❶ Tahzeeb al-Tahzeeb v1 p450
❷ ibid, marginal notes v1 p451

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Ameer ul-Mu'mineen in Hadith. He was the first imam known for examining the Ahadith narrators critically. He said:

كان والله حسن الفهم جيّد الحفظ

By Allah! He was the most understanding and of an excellent memory.

When he learnt of Imam Abu Hanifah's رحمة الله عليه death, he said:

طفئ عن الكوفة نور العلم، امّا انهم لايرون مثله ابداً

The light of knowledge from Kufah has extinguished. These people will not find a man like him.[1]

4. Imam Abu Dawood رحمة الله عليه said:

انّ ابا حنيفة كان اماماً

Indeed Abu Hanifah was an Imam![2]

5. Yahya ibn Mu'een رحمة الله عليه was an imam of critical examination. he said:

كان ابو حنيفة ثقة لا يحدث بالحديث الا بما يحفظ

and also: كان ابو حنيفة ثقة فى الحديث

Further, he quotes Yahya ibn Sa'eed al-Quttan رحمة الله عليه as saying:

قد اخذنا باكثر اقواله

We acted on many of Imam Abu Hanifah's sayings.[3]

To a question he said once:

نعم ثقة ثقة

Yes, he is trustworthy, yes, trustworthy.[4]

There are many other such quotations. Imam Abu

❶ Al-Khayrat ul-Hasanat, Ibn Hajar, pp32, 71 from Anja ul-Watan pp8-17

❷ Tazkiratul Huffaz, Zahabi, v1 p160

❸ Tahzeeb at Tahzeeb v10 p450

❹ Manaqib al-Imam al-Azam, v1 p192.

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Hanifah رحمة الله عليه wrote down *Kitab ul-Aathar* when the most ancient books of Hadith had not even come to light, like *Muwatta Imam Maalik*, *Musannaf Abdur Razzaq* and *Musannaf Ibn Abu Shaybah.*

Imam Abu Hanifah رحمة الله عليه selected from forty thousand Ahadith for this book.[1] Besides recognised scholars compiled seventeen masanads of Imam Abu Hanifah رحمة الله عليه, none of which is less volumnious than sunan Shafee رحمة الله عليه, Ibn Adi رحمة الله عليه being one of them. He was displeased with the Imam in the beginning but relented later on and by way of expiation compiled the musnad.

The station of Imam Abu Hanifah رحمة الله عليه in the science of Hadith is great and much can be said about him but we present this much as an example.[2] However, we conclude with the remarks of the famous scholar of Ahl Hadith, Nawab Siddiq Hasan Khan رحمة الله عليه:

وكان عالماً عاملاً زاهداً عابداً ورعاتقياً كثير الخشوع دائم التضرع الى الله تعالىٰ

He was a practicing scholar. He was a worshipper and an ascetic, a God-fearing righteous man. He was humble and always showed humility to Allah.

And, also:

ومناقبه وفضائله كثيرة، وقد ذكر الخطيب في تاريخه منها شيئاً كثيراً، ثم اعقب ذلك بذكر ماكان الا ليق تركه والاضراب عنه، فمثل هذا الامام لا يشك في دينه ولا في ورعه وتحفظه، ولم يكن يعاب بشئ سو ى قلته العربيّة

His merits are many. Khateeb Baghdadi has devoted

[1] ibid, v1 pp95-96

[2] see Imam A'zam awr Ilm Hadith, Mawlana Muhammad Ali Kandhalwi (Urdu) and Anjah ul Watan, Mawlana Zafar Ahmad Uthmani (Arabic).

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much to him in his Tareekh, but then added some comments that had better been ignored. For no one can doubt the integrity and piety of a man like Imam Abu Hanifah. The only shortcoming noted in him was poor Arabic.[1]

We will see later the remarks about Arabic. Nawab Siddiq Hasan Khan رحمة الله عليه did not deem it necessary to mention adverse remarks on Imam Abu Hanifah رحمة الله عليه concerning Hadith. Besides, he has devoted his book, *At-Taj al-Mukallal* on scholars of Hadith. Imam Abu Hanifah also finds a mention in it as a Hadith scholar.

The remarks by Nawab Siddiq Hasan رحمة الله عليه about poor Arabic of Imam Abu Hanifah رحمة الله عليه, are perhaps taken from Qadi Ibn Khallikan رحمة الله عليه because he has used the same words. But, the following words of Ibn Khallikan رحمة الله عليه clarify the matter. The well-known gramarrian Abu Amr ibn al-Ula رحمة الله عليه asked Imam Abu Hanifah رحمة الله عليه about the command when someone is reported to have slain another person intentionally: does that call for qisas. The Imam said, "No!" He asked: ولو قتله بالمنجنيق (even though with a catapult). The Imam said: ولو ضربه بابا قبيس Amr said that he should have said corret! ولو ضربه بابي قبيس.

But, this objection was not proper, for, some Arabs do say as the Imam said. Ibn Khallikan has mentioned this that this was the dialect of the people of Kufah. A poet says:

فانّ اباها وابا اباها

قد بلغا في المجد غايتاها

Imam Abu Hanifah too was from Kufah.[2]

It turned out that the objector himself lacked proper knowledge of Arabic.

❶ At-Taj al-makallah, pp136-138
❷ Wafayat al-A'yan v2 p165

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DORMANCY IN TAQLEED

Finally, just as personal opinion in opposing taqleed and legal issues is blame worthy so too is inactivity and exaggeration in taqleed. This is visible in such cases:

1. Regarding the mujtahids as givers of law and innocent, and like Prophets عليهم السلام free of mistakes.

2. Refusing to act on an authentic Hadith because to command is fortcoming from the imam concerning it. Thus, many people do not raise their index figure while reciting:

اشهد ان لا اله الا الله

and neglect this sunnah because the Imam does not say anything about it. Some people pass a very rude comment about it. Theirs is perhaps the dormant taqleed which the Qur'an and Hadith renounce.

3. Twisting Ahadith to reconcile with the Imam's mazhab. If a person really experiences a favourable heart condition while another does not find it correct then the second should not raise objections over the first.

4. If a learned scholar establishes sincerely that an opinion of the imam is contrary to a Hadith which has no different version but he continues to neglect the Hadith then this too is dormant taqleed. We have discussed it in the preceding pages.

5. It is also sheer exaggeration to imagine that only one's imam is on the right. The fact is that all mujtahids

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are on the right and have adopted a correct procedure. If anyone has made a mistake in ijtihad not only is that forgiven but the mujtahid also gets reward. The muqallid may believe that his imam's mazhab is correct with possibilities of mistake while the other imams have erred in ijtihad but there is possibility of authenticity.

6. Presenting differences among mujtahids in exaggerted form. Often there is a difference of opinion on the question of excellence or otherwise of omitting but not on lawful or unlawful. They are issues like raising hands in salah, saying Aameen loudly, etc. These things are allowed with everyone and it is exaggeration in taqleed to call them lawful or unlawful causing dissention in the ummah.

7. Even in cases where the mujtahids differ on lawful or unlawful nature of anything, the discussion must centre round scholastic argument. Allamah Shatbi رحمة الله عليه has spoken very well on this subject.[1]

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❶ Al-Mawafiqat, Shatbi, v4 pp220-224

A FINAL WORD

While I have done my best to write on the subject, my aim has never been to debate and argue. I have endeavoured merely to explain the viewpoint of the majority of the Muslim ummah who have been following one or the other mujtahid. If I have hurt anyone unwillingly then I opologise for that.

I hope to remove misgivings about this majority section which is termed unlawful and polytheistic. If anyone continues to differ even after reading this book, then let him retain his views, but accusing the mujtahids and imams of law making and being polytheistic is a very dangerous trend. We must seek refuge in Allah from that.

Here is a selection from the famous scholar of Ahl Hadith, Nawab Siddiq Hasan Khan رحمة الله عليه.

> It is a favour of Allah on me that I regard only the Ahl Sunnat as a successful section. I do not have misgivings on what else I am Hanafi, Shafee...... or Ahl Hadith. I know that every group has issues contrary to evidence, as also agreeable. Some rulings among them are correct, some weak...... To ridicule the earlier imams is to go against the *sunnah*. Those who follow their imam even after knowing that they have erred are dormant and lethargic. I do not say they are misled, nor do I refuse to offer salah with them, nor do I call them disbelievers.
>
> Differences in rulings, worship and mutual dealings do

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not make the scholar an infidel. The most one can say is that there is mistake in ijtihad or in understanding. The schoars recognise them...... I hope that Allah — if the speaker and doer was sincere in purpose, not prejudicied but got netted in strong doubt — He will forgive the mistake. But, if the dormancy and exaggeration on the mistake is intentional, hypocritical and divergence against Allah and His Messenger then there is fear...... But, against a hopeful, fearful Muslim to be mistrustful is not necessary!

نحن نحكم بالظواهر والله اعلم بالسرائر

We judge by the visible, but Allah knows best the unseen.[1]

Further, in these times when Muslims are surrounded by trials and tribulations, corruption and problems, nothing would not be more disturbing and destructive than that they quarrel with each other. Or that they accuse each other over little, paltry things as infidels, polytheists, or reject worship of each other calling their salah wrong. We have not been defeated by our enemies but have weakened ourselves to let the enemies gain therefrom.

We pray that Allah may guide us on the right path. May He cause us to recognise Truth, and to follow it. And to recognise evil, and to shun it. May He cause us to give our lives for lofty aims, rather than slay each other. *Aameen.*

واٰخر دعوانا ان الحمد لله رب العٰلمين

❶ Faran, May 1963.

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GLOSSARY

These are the technical words a reader will come across in this book. The meaning given are by no means comprehensive only a brief idea is given here.

Aathar: Hadith related by Sahabah ؓ.

Ahad: A tradition narrated by a single narrator or a single chain of narrators.

Ahadith: pl. of Hadith.

Ahl us sunnah wal jama'ah: The people of the path, the sunni.

Ahl-Hadith: Those who do not follow any imam.

Aqeeda: Belief.

Asr: The salah in the after noon.

Fajr: The salah at dawn before sunrise.

Fard: Absolute obligation.

Fatwa: Legal opinion in religion (fatawa, pl. of fatwa).

Fiqh: Science of Shari'ah, sacred Islamic law, understanding.

Ghayr muqallid: One who rejects taqleed.

Hadith: Saying deed or silent approval of the Prophet ﷺ.

Halal: The lawful.

Haram: The unlawful.

Haydh: Menstruation.

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Ibadah: Worship.

Ihram: A state of the pilgrim when he is disallowed to do certain lawful things.

Ijma: Concensus.

Ijtihad: An independent judgement.

Imam: One who leads the congregational salah. Also a religious leader, like Imam Abu Hanifah, Imam Shafi'ee, Imam Maalik, Imam Ahmad ibn Hanbal.

Iqtida: To follow in a religious sense.

Isha: The salah about an hour after sunset.

Isnad: Chain of thorities on which a tradition is based.

Istinbat: Extraction to arive at the truth.

Jamhoor: The majority.

Jarah wata'deel: Critical examination.

Ka'bah: House of Allah.

Khanqah: Recluse of saints.

Khutbah: Sermon.

Maghrib: The salah after sunset.

Makruh: Disliked.

Masjid: Mosque.

Matn: Text.

Mazhab (madhab): School of thought.

Mufti: One who delivers (religious) legal opinions.

Mujtahid: One who follows religious opinions with proof from Qur'an and *sunnah*.

Mukhabarah: Sharing crop between cultivator and landlord.

Muqallid: One who makes taqleed.

Muqallid: One who observes taqleed

Mut'ah: Temporary marriage.

Mutavatir: An undoubted tradition.

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Qasr: Shortened prayer during journey.

Qiyas: Verdicts given by scholars of Islam, analogical deduction from Qur'an and sunnah.

Qur'an: The Holy Book of Islam. Final word of Allah revealed to Prophet Muhammad ﷺ.

Quwaid: Maxims.

Sa'ee: The rounds of a pilgrim between Safa and Marwah.

Sahabah (s. Sahabi): Companions of the Prophet ﷺ.

Salah (salat): Regular prayer, prescribed five times a day.

Samad: Chain of narrators.

Sarf: A kind of barter selling, dismissal, sending away.

Sawad A'zam:

Shar'i: Lawful, legal

Shari'ah: Islamic code of law.

Shirk (شِرک): Polytheism.

Sunnah: Practice of the Prophet ﷺ.

Tabi'een (s. tabi'ee): Epigones, successors of the companions.

Tafseer: exegesis.

Talfeeq: Fabrication.

Taqleed: Unquestioned adoption of concepts and ideas, adoption of legal decision of a mazhab (9.v)

Tauheed: Unity of Allah.

Tawaf wada: Farewell tawaf.

Tawaf: Circumambulation of the Ka'bah.

Tuhr: Purity.

Ummah: Community, people following Prophet ﷺ.

Usool ul-fiqh: The four foundations of Islamic jurisprudence, Qur'an, sunnah, qiyah, and

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	ijma.
Wajib:	Next to fard in obligation, compulsory.
Wudu:	Ablution.
Zakah (zakat):	Prescribed annual charity on the rich at 2.5% of their wealth, disbursed to the poor.
Zuhr:	The salah at noon.

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